¶ ORDERS enacted for Orphans and for their portions within THE CITIE OF EXCESTER, with sundry other instructions incident to the same. Collected and set forth by Iohn Vowell *alias* Hooker gentleman and Chamberlaine of the same Citie.

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¶ Psalme. 82.

¶ Doe right to the poore and fatherlesse, and saue them from the hand of the wicked.

4°. L. 30 Th.

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TO THE RIGHT WOR-

shipful, graue & prudent, the Mayor and Sena-
TORS OF THE ANCIENT AND HONORABLE
Citie of Excester. Iohn Vowel alias Hooker, gentleman
and Chamberlain of the same, wisheth a prosperouse
and a happy gouernment, to the benifit of the
publique welth and increase
of VVorship.

***

THe Inditers and Recorders of things doon in the former ages and olde dayes (Right vvorshipfull) do in their vvritings testifie and affirme that the first man beeing for his transgression driuen out of the garden in Eden, his vvhole posteritie became tobe vagabonds, runagates and vvanderers vppon the face of the Earth: and their life & cõuersation beeing amongst the beasts of the feeld, vvas saluage, lose & disordred, for vvhy? as it is vvritten. Nulli tunc hominibus inter se fines neq; agrum excercebant, Domus illis nulla, nec tectum, nec sedes fuit, armenta pecora semper pascentibus et per incultas solitudines errabant, solitis. And then vvere they subiect to all perils and dangers, for self vill then bare the rule, violence then caryed the saueraintie, & oppression directed all things: according as Plutarch saith Seculum illud Homines edidit, manuum crenuitate pedum velocitate, et corporum viribus, exiatq; inuictos: sed quibus natura dotes, ad nullam rem aut vtilem conuertebant, imo arrogantie improbi derent, fruere

Gene. 4.

Iustin. Po

ad violandum atque omn

fruit

seuitia et feritate opprimendum, quicquid in eorum manibus inciderat, *But at length & in processe of time, mẽ waxing very to indure and continue such, so many, and so great inconueniences, were very desirous of some better kinde of stay & a suredneſſe of life: and therfore began to deuise and to consult, how to prouide a remedy for this disease, & salue for this sore: but yet could finde no way so redy, nor helpe so good, as to be reduced to some kinde of gouernment, for as Patricius writeth.* Cum esset nemo, qui pro communi vtilitate laboraret, aut multitudinis curam ageret, sed errabant omnes tanquam oues absque pastore, cogitandum fuit vt esset aliquis qui alijs preesset, cunctos regeret, ac communi vtilitati et cõmodo studeret. *And therfore they made choise of such as were moste wise, discreet and valiant among them selues, whome they appointed to be their Rulers to go before them, and vnto whome they yeelded and submitted them selues, to be directed and ruled after their wisdomes.* Cum enim premeretur multitudo iniitio, ad vnum aliquẽ virtute prestantem confugiebant, qui æquitate constituta, summos cum infimis pari Iure teneret, *Thus were men in the beginning called to be gouernours, and chosen to be Rulers, not through pride or violence, nor yet by any sinister meanes.* Sed quos spectata prouehebat moderatio, et qui virtute sermone atque fortitudine cæteris prestarent, ac probitate et moribus integri essent. *The author of the Chronica Chronicarum declareth three speciall causes why men were thus inforced at the first. The first was necessitie, because the life of Man was subiect to many perils. The second was ambi-*
tion, man beeing equall and in like estate and degree, and wanting right Iudgement: they liued in contention and
hauing a superior to direct and decide their causes.
The third was Fortitude, that such a one as was more va-
liant

Patricius de institutione lib. 1. tit. 10.

Cicero offici orum, lib. 1, li. 1.

liant then the reſt might defend them againſt the enemy and the oppreſſor. Et ideo eligebatur aliquis vir bonus ceteris iuſtior ac probior, qui communitati preſideret, vertuoſos promoueret, mediocres defenderet et malos coherceret. Cronica cronicorum. *Gouernours and rulers thus beeing conſtituted, they did foorthvvith indeuoure themſelues to ſatiſfie the truſt, and to performe the charge committed vnto them, and firſt therfore they ſeek out to prouide meet and conuenient places vvhere to ſeate and ſettle themſelues in, for their ſafe dvvelling togither, and from the communion of the beaſts of the feeld, vnto vvhiche before they vvere accuſtomed: for as Vegetius ſayeth.* Agreſtem incultāque hominum vitam, in initio ſeculi, a communione Brutorū animalium atq; ferarum vrbium conſtitutio diſcreuit. Vegetius de re militra lib. 1. *And becauſe they vvere vvunt to incloſe and entrench the ſame vvith a round ditch, the place vvas called Vrbs.* Ab orbe, qua antiquæ Vrbes in orbe fiebant: *or* Ab orbo, ea videlicet parte aratri, quo deſignabantur muri, locus enim futuræ Ciuitatis ſulco vel aratro deſignari ſolebat. Iſodo lib. 15. Etymo. ca. 2. *And ſo did Romulus vvhen he choſe out a cōuenient place vvhere he and his people vvould dvvel.* Foſſam rotundem duxit, qua vrbem amplecti ſtatuerat. Plut. de Ro. *And then the people thus collected and dvvelling togither, lavves begā to be deuiſed, orders to be made, and good ordinaunces to be eſtablished, hovv the common ſtate ſhould be directed, and hovv eche man ſhould liue in his art and calling. And then that vvhich in reſpect of the place and building vvas named Vrbs, is novv called Ciuitas, in reſpect of a multitude of people aſſembled and collected togither to the end to liue orderly and in good order.* Eſt Ciuitas hominum multitudo, ſocietatis vinculo adunata. Iſidor. Etym. lib. cap. *Or as others define it.* Eſt Ciuitas hominum collecta multitudo, ad bene iureque viuendum communibus decretis ſub eadem lege viuentium. Patricius de regn. inſt. lib. *And the maner of their life,*

Plato libro de definitionibus,

the good constitutions and pollicyes vvas named Respublica. So that Vrbs is the place, Ciuitas the mẽ, and Respublica the politique constitutions and the life vvel ordred. But heer by the vvay I cannot a little muse at them vvhich vvould and needs vvil haue that a Citie should take his name of a Bishops seat or Sea, and that all Cities had their beeing and beginning from and of Bishops, and therfore there is no Citye but vvhere is a Bishop: but hovv far this is fetched and hovv vnlike: I may refer it to the Readers ovvne consideration, for long before any Bishoppes vvere had or knovven, there vvere Cityes, as Troia, Roome, Carthage, Athenes and many others, and also this Citie of EXCESTER, vvhich vvas beseeged by Vespasian the Romain capitain annō. 49. almost xxiiij. yeeres before the destruction of Hierusalem, and euery of these vvas named Ciuitas: and moreouer vvhen Bishops in this land vvere first constituted, he vvho vvas Bishop of this dioceße of DEVON had his Sea at London, and after in the time of king Kingilphus anno. 636. at Dorchester, and from thence anno. 705. remooued vnto Shireborn. And in processe of time vvhen enery particuler Prouince, had his particuler Bishop, then VVerstanus beeing Bishop of Deuon had his Sea at Bishops Tavvton, and after at Crediton.

Gaufrede Huntyngd.

Polichronicon Matheus Vestmon Dicetus.

And Herstanus Bishop of Cornvvall, had his Sea first Saint Germaines, then at Bodmin, and lastly remooued to Crediton: and yet nor Dorchester, Shirborne, Tavvton, Crediton, nor Saint Germans, nor Bodmin, vvere euer any Cities that I could read of.

But to the matter from vvhence I degressed, I say that gouernours and Rulers beeing appointed, then lavves and Ordinaunces vvere foorthvvith ordained by the Rulers: as Sem vvho builded the first Citie after the flud then called

Sale

Salem, but sithens & nowv Hierusalē, the cheef Citie of the Ievves, he and after him Moyses and others the gouernours ouer the Ievves, did prescribe moste godly lawves: aswel for their directions in Religion, as for policyes and morall life. Theseus vvhē he had gathered and assembled into Athenes, his people to reside vvithin the vvalles therof, vvho before, lay scattered abrode in the feelds, he first instituted orders for Religion. Ab dijs auspicatus remp, digessit. And then established such orders and ordinaunces as vvere necessaray for common order of life, and by those meanes, that Citie in processe of time, vvas so fraughted vvith vvise mē, & did so florish vvith good letters: that for learning and knovvledge it became and vvas the Treasury of the vvhole vvorld, and from vvhence the Citie of Roome, and all other vvel gouerned common vvelths took a patern of good gouernment.

Exodus. 20

Plutarch. de Theseo,

Romulus vvas at the first a ruler and captain of all the Pirates and ruffians in those partes of Italy vvhere he first resided, and of such (as some say) as came from out of Greece after the destruction of Troia, vvho hauing reduced them into one societie, and placed them vvithin the Citie of Roome (vvhich he had of purpose builded for them) he made and instituted lawves first for Religiō and then for pollycies: and by the meanes of the straight & due keeping therof, it did so increace, prosper and florish: that it became the Monarchy of the vvhole vvorld, and therfore sayeth Salust. Nolite existimare Maiores nostros armis remp, ex parua magnam fecisse, sed domi industria foris iustum imperium, et animus in consulendo liber neq; delicto neq; libidini obnoxius.

Idem de Romulo.

Salustius in Catelina.

Licurgus the gouernor of the Lacedemoniās, vvho vvere a saluage, fierce & a barbarouse nation, minding to reduce them to some better order and frame of life: first banished all

Plutarch. de Licurgo

Volde and former corrupt vsages among them, and then

uised

uised newv ordinaunces. In quibus nullum iniuriæ, nullum iniquitatis erat vestigium, sed ad iusticiam rectamque rationem, sunt omnia composita. *And that Citie by that meanes grevv to so perfect a cõmon vvelth, that it vvas the Spectacle of all Grecia, and did so much prosper by the due keeping of Licurgus lavves:* Quod principatum tenuit totius Greciæ, quingentorum spatio annorum. *For all Greece stood at their deuotiõ, they for their valiantnesse beeing much feared, and for their iust and vpright dealing moste belooued: in them it lay vvhether it should be vvar or peace. Such commodityes they receiued and such frutes they reaped by the due keeping and obseruing of Licurgus lavves, according to the answvere of Apollo. For Licurgus after that he had established and made those his lavves: he vvent vnto the Temple of Apollo in Delphos, and there asked (as the maner vvas then in all doutful matters) vvhether the lavves vvhich he had made vvere sufficient to maintain & keep the common state and Citie of Sparta: vvho vvas aunsvvered that the lavves vvere very good & excellent.* Et Ciuitatem, quouscq; Licurgi legibus viueret, permansuram clarissimam.

Gaufrede. Flores histo. Polychronicon Grafton.

Brute the sonne of Siluius the sonne of AEneas (as our english Chronicles doo affirme) beeing after the destruction of Troia driuẽ to seek aduentures: he & his nephevv Corinæus, vvith a great troupe of their followvers, came & arriued in to this land novv named Englãd, & hauing conquered and recouered the same from out of the hands and possessiõs of the Giants, vvho then inhabited this lãd. Corinæus had allotted vnto him for his portion, the VVest partes thereof named Cornvvall, and then they builded eche of thẽ a Citie. Brutus in remembrance of Troia, builded the citie of Londõ, then by him named Troynouant or newv Troia. And Corinæus buil

Baleus.

this Citie of EXCESTER, (vvhiche as some vvrite)

he

he then after his owne name called Corinia, bothe whiche Cityes were then and haue been sithens so fraughted with good lawes and so wel gouerned by prudent Magistrates, that they haue continued for the course of many hundreths of yeeres vnto these presents. And albeit they haue sustained much troubles, indured great afflictiõs, abiden many stormes and oftentimes in peril and danger of vtter ruin and destruction, yet they beeing layed vpon the sure foundation of obedience, Iustice and concord: they were neuer subuerted, bee not vnlike the house builded vpon the Rocks, for though the Rain fel, the fluds came, the windes blew and did beat vpon the house, yet the same fel not. Quia fundata est super petram. Matth. 7.

By these and sundry other like examples it is apparant that as Cities and cõmon welths were first foũded vpon good gouernment and common societie, for as long as they yeelded to the one, and maintained th'other, they prospered, and men became then not onely valiant and strong, beeing able to withstand the enemie: but also wise, politike and welthy, able to maintain the common societie, and the priuat family. Such are the frutes of good gouernmẽt, in the magistrate, and of dutiful obediente in the Subiect, and of the maintainance of the common societie in all men. For as the soule giueth life to the body: so dooth lawe direct the Magistrate and Subiect and keep all things in due order, and therby giue life to a Citie or cõmon welth, all which doo perish without it, as the body dyeth beeing depriued of the soule. And therfore when soeuer any Citie dooth decline from the rule of good gouernment in the Magistrate, of dutiful obedience in the Subiect and of contempt of lawes: then be assured, that ruin and destruction of the state ensueth. The moste famouse Citie in all the world, Hierusalem by name, where God as the Pro-

Psalme. 67. phet sayeth vvas honored. Notus in Iehuda deus, et in Israell magnum nomen eius. VVhere the lavv vvas taught, and from vvhence saluatiõ vvas spread into all the vvorld, vvhẽ vvith vnrepenting hartes they forsooke Gods true Religi-

Mark. 13. on, contemned their gouernours, slevv their Prophets, fel at ciuil diuision and strayed out of all good order: then vvas Gods anger inkendled against them, great plagues poured vp-

Luke. 19. pon them, and in the end the Citie vtterly destroyed, and according to the prophecy not one stone left standing vpõ an-

Iosephus de bello iudaico other. And the people vvithout all pitie vvere either destroyed, or miserably caryed into captiuitie, & those fevv vvhich did and do remain: are lothesome to all men, beeing become Vagabonds vppon the face of the Earth, hauing no certain place vvherin to stay and reside.

The Citie of Sparta so long as they stayed and indured in

Plutercus de Licurgo. keeping of Licurgus lavves: their common vvelth florished and their Citie prospered, but vvhen they began to contemne their Ephoros, to neglect their lavves, to be at diuision, to be couetouse, and to liue out of all order: that mightie kingdom and famouse estate, in short time vvas ouerthrovvn and the vvhole Citie subuerted.

The famouse Citie of Roome, to vvhose Empire the vvhole vvorld vvas subiect, as long as eche man liued in his estate, and regarded the common vvelth, before the priuate profit: all things vvent vvel vvith them, but vvhen clyming mindes and ambicious heds vvould rule the roste, vvhen the common state vvas neglected, and priuate profit preferred, vvhen couetousnes ruled, and the common societie dissolued, vvhen no lavves vvere regarded, nor Iustice executed, vvhen these pestilent diseases vvere entred the Tovvn and had infected the Citie: Ciuitas est immutata

Salustius in Catelina. virtute hebescere cepit, ac imperium ex iustissimo et optimo

mo crudele atq; intollerandum factum eſt. *And in the end that moſte noble ſtate and vvell gouerned Citie brought to nothing. VVhat ſhall I ſpeake of Troia, Athenes, Carthage, and a number of other famouſe Cities and common vvelths, vvhich by like diſorders are come to the like confuſions. For as the vviſe man ſaieth, vvhere the righteouſe man ruleth and the vviſe man dooth gouern: the Citie proſpereth and is exalted. But foraſmuch as it hath pleaſed God to proſper the ſtate and common vvelth of this Citie (vvhich is novv vnder your gouernment) albeit it haue in times paſt abiden many ſtormes, endured great calamities, ſuſtained ſundry iniuryes, and beeing ſubiect to many enemyes hath been ſometime in peril and daunger of vtter deſtruction: yet it hath pleaſed God of his good vvil to deliuer and rid the ſame from out of all thoſe perils and in mavvgre of all their enemyes, hath preſerued the ſame from the time of Brutus euen to theſe our dayes, the ſame beeing the courſe of ij. thouſand and almoſte vij. hundred yeeres. As you haue good cauſe to be thankfull to God for the ſame, vvho vnleſſe he doo keep the Citie,* Fruſtra vigilat, *Qui cuſtodit eam: So are you to indeuor your ſelues to continue & folovve in the ſteps & pathes of your ſo vvorthy predeceſſors and prudent anceſtors, and to be careful and vigilant that your gouernment may be as vvas theirs in trevv Iudgement and Iuſtice, free from all couetouſnes and void of corruptiõ, for vvhy? you are not only the fathers of this common vvelth: but you are* Patres conſcripti, et Patres iurati, *fathers for your vviſdome, trueth & diligence, appointed, called and choſen to this eſtate, before the reſt of all your Citizẽs: you haue obliged your ſelf vvith a ſolemne othe, and bound your ſelues vvith an open vovv to ſatisfie your charge and calling.*

Prouer. 11.

Pſalme. 127.

Therfore on your partes nothing is to be omitted nor

left vndoon, vvhich in any respect may tend to the maintainaunce of your Citie or preseruation of your cõmon vvelth. And surely I beeing many times priuy of your dooings and present in your coũcels, must needs testifie & vvitnesse your continuall cares and dayly studyes in this behalf: vvhich as they are knovvẽ in many things: so in no one thing doth the same more appeere, then in the care vvhich you haue for the Orphans and Fatherlesse children, for vvhose preseruation and good education, you of late haue procured a speciall lavv and statute for the same, binding your selues novv by an othe and of devvtie to performe that vvhich before vvas but voluntary and of curtesie.

And I (considering vvith my self hovv necessary it is, that that vvhich toucheth all, might be vnderstanded and knovven of all) haue thought good vnder your fauours to bestovve some paines & trauel heerin: for if any one thing is aboue an other tobe respected and tendred in the publique vveale: it is the care tobe had of yung Orphans and fatherlesse children. VVho beeing destituted of their ovvne naturall parents: are to be prouided for, novv by the common Fathers of the common vveale, vvhose making and marring lyeth novv in their hands and deuotions, and by their cares and industryes, to be framed, tobe vvel imployed in the common vvelth, or by their slacknes and negligence, to be in peril and daunger to be spilt and cast avvay.

Man in the latin tung is named Homo of the vvoord Humo vvhich is earth: For of Earth man vvas first made and framed, but vvhere and in vvhat place: the Egiptians and Scithians doo contend either of them, claiming the propertie therof, but vvhere soeuer it vvas, certain it is that of Earth it vvas and Earth he is. And the nature of Earth is, that beeing it neuer so fine or fertile, yet of it self it bringeth

Iustinus li. 2.

bringeth foorth nothing but brambles and briers, as God said vnto Adam, thornes and thistles shall it bring foorth vnto thee. Gene. 3.

Euen so is man of himself, he bringeth foorth nothing but vvickednesse and corruption, his thoughts be euil and his vvayes are vvicked, vnlesse he be nurtured, educated and brought vp, euen from his childhood in godlynes and vertue: for vvhervvith the vessel is first seasoned: thereof it keepeth longest the taste and smack, as the Poet sayeth. Quo semel imbuta recens seruabit odorem testa diu. Horatius. *VVherfore, the fathers in the olde dayes, vvere very careful and diligent, for the education of their Children, that they might so and in such order be nurtured and bred vp in their youth, vvhereby to become profitable to the common vvelth in their age: for as Erasmus sayethe.* Nihil felicius discitur, quam quod ab ipsa statim pueritia discitur. Erasmus in colloquio de fide. *For education is a nother nature, and as men be brought vp and bread in their youth so commonly they proove in their age.* Iob. 6. 8.

Licurgus the prudent gouernour of Sparta, vvhose onely care and indeuor vvas by all the meanes he could: to perfvvade the Lacedemonians to leaue their saluage and barbarouse trade of life, & to be reformed and reduced to some better forme and order, vseth this practise. He caused tvvo yung vvhelpes to be taken from their dam at one time, and instant. The one of them he commaunded to be deliuered to his huntsman, and to be trained vp in hunting. The other vvas deliuered to the Cook to be brought vp in the Kitchin. At length these tvvo vvhelpes beeing brought vp and grovven to be Dogges, and trayned vp as vvas appointed: Licurgus commaunded them bothe to be brought out into an open and a large rovme, vvhere he had caused a bush of thornes to be set, and a Hare in the same, as also fast by a pot of Erasmus. li. 1. apoph. de Licurgo.

Potage and scraps of meat. And then assembling his people togither: he commaunded the two Dogges there tied in one line to be let lose and slipped, the one of them vsed to hunting, assoone as he had espyed the Hare: he coursed and followed him. But the other hauing smelled and seen the potage pot: to that ran he. Then said Licurgus, lo, you see heer two dogges bothe of one age, borne of one dam, and in nature one, and yet by meanes of their vnlike education: they are vnlike in conditions and diuerse in qualities, for according as they were brought vp in their youth and beeing whelps: so they be disposed and inclyned beeing Dogges.

Cromerus de rebus Polonorum, lib. 3.

Cromerus in his History of Polonia maketh resitall of a manifest example heerof, namely how Vnratislaus King of Bohemia, beeing a godly and a vertuouse Prince, maryed one Dragomira, a woman wicked and heathenish, and not so void of true Religion: as replenished with all impudency and wickednesse. Vnratislaus had by her two sonnes, Venceslaus and Boleslaus, the elder of them was brought vp vnder his grandmother Ludimila (who was mother to the King, and she a very good and a godly woman) who careful of the yung Prince, caused him to be nurished and instructed in good letters, vertue and knowledge. Th'other was brought vp by his mother, and by her instructed and taught in such qualities and conditions as she listed & after her naughtie disposicion. These two yung Gentlemen though borne of the same parents, were in nature like, yet in disposicion contrary, for the King their father beeing dead, and the kingdoe deuided betweene thē: Venceslaus as he was educated and instructed in learning, vertue & knowledge: so did he rule and administer his Realme vprightly in all Iustice, equitie & iudgement. Boleslaus beeing imbrewed at the first vnder his mother in all libertie, loseness and lewdnesse: became

and vvas a cruel tirant, an oppreſſor of his Subiects, & void of all vertues and good qualities, appertaining to a King, or a priuate man, and in the end vvas a moſte cruel fratricide and a bloody murderer of his naturall brother, vvhome he bereft bothe of life and kingdome.

And thus it appeereth vvhat education doth, and hovv much it auaileth, vvhich beeing good and vertuouſe, if it doo not alltogither alter and chaunge: yet it amendeth the euill diſpoſitions and inclinatiõs in a man: vvhat manner of children and in vvhat ſorte they ſhalbe borne; it lyeth out of mannes povver. Sed vt recta inſtitutione boni euadant, noſtræ eſt poteſtatis. *But in vs it lyeth by good education to make them honeſt. VVherof Clemens Alexandrinus thus vvriteth.* Non natura ſed diſciplina fiunt viri boni et honeſti quemadmodum medici et gubernatores, *Not by nature: but good diſcipline doo men prooue and become good and honeſt.* Clemens Alexand, ſtromatum lib. 1.

The plant beeing yung and tender, is to be vvun, guided and framed to vvhat forme it pleaſeth a man, either to bee made ſtraight and vpright meet for good buildings: or to be crooked and fit for a gamrel; and beeing once grovven to that forme, it is not tobe altered nor reformed. In omni ſtirpe, ſi primum germen recte proceſſerit, ad naturæ ſuæ, virtutem maximam vim habet ad hoc, vt comodum finem imponat. Et hoc ſtirpibus, in animalibus manſuetis et feris, et in ipſis etiam hominibus contingit. *And therfore as he is guided & trained vp in his youth & ſpringing time: ſo dooth he prooue to be either profitable or vnprofitable.* Plato legum Dialogo. 6.

Homo ſi rectam diſciplinam fuerit adeptus, diuiniſſimus euadere ſolet. Si vero non ſatis aut non recte fuerit educatus: omniũ animalium que terra producit, fit ferisſimus. Eraſmus de Socrat. de Apophthe li. 3.

It is vvritten that on a time one Zopirus a Phiſiognomon, came to Socrates, and by his face and other liniaments diſcribing his inclination and diſpoſition: declared him to be a lecher or

a lecheror, a drunkard and a foole, and a moste disordered man. Socrates freends standing by and knowing all this to be vntrue, were offended and began to threaten him for his sayings, but Socrates stayed them and willed them to be contented, saying, he hath spoken nothing but the trueth, for such a one had I been as he sayeth: Nisi me Philosophiæ gubernandum tradidissem, and vnlesse learning and vnderstanding had altered my wicked and lewd disposition. For as it is said, Socrates was but a deformed man, his eares and nose like to an Ape, his eyes black and hollow, his eye browes hairy and his back crooked: which are arguments and demonstrations, by the censure and Iudgement of such as are professors and writers in the art of Phisiognomy, of such qualities and dispositions as Zopirus charged Socrates with all. As Socrates beeing instructed and brought vp in good learning notwithstanding his corrupt nature and euil disposition, he became and was a vertuous and wise man: euen so who so will doo the like shall proue & be the like. Ioseph & Moises beeing brought vp in the learning of the Egiptiãs, were in great authoritie and bare a great rule emong the people.

Indagine lib. de Phisiognomy.

Gene. 11.

Exodus. 3.

Daniel beeing instructed in the good letters and learning in Babilon: became to be the cheef gouernor ouer the whole prouince of Babel, and a bed Ruler in Babilon.

Daniel. 3.

King Cirus the sonne of Cambises and of Mandene the daughter of Astiages (king of the Medes) beeing cast out to be deuoured of the beastes, was kept and defended by a Bitche, who nurished and gaue him suck, vntill a Shepheards wife took him away and kept him. The writers of naturall causes doo affirme, that according to the nature and qualitie of the food wherwith the body is fed and nurished, the humors of the body take their force and nature, and therby not onely the body: but the minde also receiueth his disposition and inclination

Iustinus. li. 1.

Patricius de regno li. 4. tit. 5.

Erasmus de [illegible]opha-

clination, vvhether it be magnimitie, drunkennes, vvantonnes or any such like, but especially of the nurses brest, vvith vvhose milke such dispositions doo make their entry and season, vvherfore Galen giueth coũcel, that a speciall care should be had in chusing of the Nurse, and of her disposition, dyat and order. De Nutrice imprimis non minima est habenda cura quid edat, quid bibat et quo pacto se habeat, vt videlicet lac eius egregie fiat temperatum, quale certe erit si sanguis eius sit quam optimus. Gal. de sanit. tuendi lib. 1.

And therfore some are of the minde that Alcibiades that noble, vvorthy and famouse gouernour of Athenes, took the good qualities bothe of his body and minde, of his Nurse Amycha vvho vvas a Spartane or a Lacene vvoman. Nam plurimum lactis alimonia confert, non modo ad corpus formandum, verum ad effectus et mores. *If this be true: then Cirus vvhether he vvere nurished of the bitch, or of the saluage Shepheards vvife, he should be disposed & affected according to their natures and qualities. And yet he beeing brought vp, educated and nurished, first in learning and then in suche honest exercises as doo cheefly appertain to a noble man: hee prooued and became a moste noble, vvorthy and an excellent Prince, asvvell in prudent and politique gouernment: as in valiantnes and prouves.* Fuerat corporis forma pulcherimus, animo humanissimus atq; disciplinæ et honoris studiosissimus. *Thus Cirus in respect of birth and first disposition, by nature beeing very vnapt and vnfit to achiue to any great matter: yet by meanes of his good education he surpassed in euery respect of vertue, all the moste vvorthy personages in those dayes: for his vvisdome had in great admiration, and by his valiantnes became the Monarche of all Siria and Asia.* Plutrach⁹ de Alcibiade. Zenophn de pedya Ciri. libro. 1.

King Philip of Macedonia vvhen as his sonne Alexander vvas borne, considering vvith him self hovv necessary it

vvere, he should be educated and vvel instructed: assoone as he vvas out of his svvadling cloutes, he deliuered him vnto Aristotle the Philosopher, by him to be brought vp, and instructed in learning, as also appointed vnto him Tutors, by vvhome he should be taught and instructed in such good exercyses, as appertayneth to a noble man. And in bothe th'one and the other, he prospered so vvel: that fevv before or sithens him, haue excelled him in learning or valyantnes, by the one he attained to the conquest of all Asia, and vvas sole Monarche: by the other he directed his gouernment in great vprightnes and Iustice, and therefore he vvas vvunt to say, thathe did ovve asmuch reuerence and honor to his maister Aristotle: as to his father King Philip, for of his Father he had but his naturall life, but of his Maister, Bene viuendi initium.

Patricius de Iustit, reip. Era. Apoph. lib. 4.

The Chronicles of England doo reporte, that Egbertus King of the vvest Saxons, beeing a vvise and a good Prince had a speciall care for the good education of his sonne Ethelvvolphus, vvho to be king after him he savv hovv needful it vvas, he should be vvise, learned and valiant: did see him to be vvel instructed euen from his Childehood, and so vvell he profited therin, Quod omni tempore, regia laude fuerat dignus. And the same Ethelvvolphus hauing reped the good frutes therof, vvas no lesse careful for his iiij sonnes. Quos bonis artibus imbuendos summopore curauit. And they by that menes, the one succeeding th'other, vvere all kings, and did gouern both vvel & vvorthyly. Plato therfore, attributing this vnto good educatiõ saith, Dico et asserо, virum qui in re quacunque prestans euadere volet, eruditionem, statim a pueris meditari oportere. hovv be it suche is the blindenes of the vvorld, that many or the more parte, putting a felicity in riches: are careful for nothing but hovv they heap vp lands, ly-

Polidor⁹ hist. Angli. lib. 5.

Platolegum dialogo. 1.

uings: great store of riches and money for their children, thinking then that all is vvel, and happye is that sonne vvho shalbe so left, and may glory and boaste in the multitude of his riches, but the Prophet sayeth Hæc ipsorum vita stultitia est, *for vvelth and riches beeing ioyned vvith knovvledge and vnderstanding, they are good,* Et splendorem suum retinent, *but vvithout the same* Obscuræ fiunt et turpitudinem temeritatem que augent. psalme. 49. Patric. de regno li. 1. titu. 1.

Cicero therfore vvas of the minde that the best inheritãce vvhich a father may leaue to his Sonne, is vvisdom and learning. Optima enim hereditas a patribus traditur liberis, omnique patrimonia prestantior virtutis gloria. Cicero officiorum lib. 1.

VVell then if people assembled togither to the end to liue vvell, and in ciuil societie, and to be directed by the rule of good gouernment, vvhiche consisteth in the vvisdome of the gouernour, and the dutifulnes of the Subiect and bothe of these gronvv by menes of good and vertuous education: I dout not of your vvisdomes but that you vvil as good fathers & careful gouernours haue a special regarde heerin, you haue vvel entred and begun in puiding for the safetie of such Orphans as to vvhome any vvelth or liuelyhoods be groing but consider you that a naturall Father hovv many children so euer he haue, he careth, laboureth & prouideth for all, and so you ought to doo. It is not inough to prouide for the rich and vvelthy, for if you did it not, others inough there be that vvil take that care, but you ar to puide also for the poor Orphans: vvho vvanting all helpes, frendships and succors, are for vvant of your fatherly and careful prouision in perill either to perish, or to become noysome and vnprofitable members to the common vvelth, for Children left to their ovvne vvilles & dispositiõs, they be as earth vvhich of it self bringeth foorth nothing but bryers and brambles, and in the end,

not onely improfitable to themselues: but also moste noysfull to the common state, they beeing thornes in the sides and pricks in the eyes of the good and honest. God therfore, vvhen hee had giuen the land of promise vnto the Israelites, hee gaue them in commaũdement to destroy all thẽ vvhich they should finde dvvelling in the land vvithout remorse, pitie or compassion, because they vvere vvicked, idle and lose people. For sayeth he, they shalbe vvhips in your sides, and thornes in your eyes, vntil you pish out of the lãd, vvhich the Lord god hath giuen you. For Idellers and floisterers are but thornes and thistles in a good Citie, and a vvell gouerned cõmon vvelth.

Numer. 33. Iosua. 23.

It is lamentable to see vvhat troupes and clusters of children, boyes and elder persons, lye loytering and floistering in euery corner of the Citie, but more lamentable it is that no care, no order nor redresse is had therof, vvhich if it be not loked vnto in time: it vvil rebound to the peril of the publique state of your Citie. Great shevves haue been made and attempts pretended for erecting of an Hospitall, and for employing of such idle childrẽ in some honest artes, but of these great blothes commeth small frutes, and of this shaking Hil, GOD graunt their come not forth but a ridiculus Mus. But if you do in deed tender the preseruation of the common state of your Citie and the continuaunce of so honourable and ancient a common vvelth: you may not onely acording to the councell of Moyses, rid your Citie of such idelers as vvherwith the same is novvv replenished: but you must also remoone and take avvay the cause therof. For the Romains did not onely put to death the vvoman taken in adultery: but also if she did immoderately drinck vvine, because drinking of vvine is a meane to dispose and make the body apt and prone to lust and vvantonnes. Venter mæro aſtuans facile diſpumat in libidi

Plutar. prob. Zasius de actionib⁹. Polydor de rerum inuẽt. lib. 4. cap 31. Eborensis de legib. Galenus de sanitat tuenda lib. 1.

nem. *For vvine as the Phisicions say beeing not moderately taken: hurteth bothe the body & the minde.* Ad iram et libidinem precipites facit, et partem animæ rationalem hebetem atque turbidam reddit. *And it is a cõmon practise of the Phisition, that vvhen the sick patiẽt is tobe restored to helth, he doth not only purge the corrupt humor or sicknes: but also the humor, vvhich is the origine and cause therof, for othervvise the body cannot recouer his helth. And so in a cõmon vvelth not only Idlers and loyterers are to be exiled and driuen out thereof: but also the occasion and breeding of thẽ is tobe cut of vvhiche is that yung children may be brought vp & be instructed in honest arts, for as of a good plant cõmeth a good tree, & of good seed cõmeth a good hearb: so of euil plants come bad trees, and of naughtie seedes euil herbes, & these hauing once taken root doo cõmonly so prosper that if they be not vveeded and pulled vp by the rootes: they vvill clene ouergrovv and choke vp the good. Experiẽce teacheth that vvher the nettle prospereth: no good herb there grovveth, and vvhere the vveeds ouergrovve: the Garden is destroyed.* Plutarcus de Licurgo.

Licurgus therfore did not onely exile and banish out of Sparta all the idlers therin: but also to preuent, that no imps of that sorte should increase and grovve, he erected Schooles and appointed Schoole maisters vvho had the charge to instruct and institute the Children in Sparta in learning or some honest artes and exercises, Alexander the great in euery contrie vvhich he conquered, he appointed Schoolmaisters vvho had the charge to bring vp & instruct all the yung peoples therin, in honest Artes, Sciences and exercises: by vvhich meanes he had alvvayes iij M. yung men and Children vvhich vvere vvel learned in the Creeke tung, and vvel practised in good and honest exercises. Traianus the Patricius de regno. Olphanꝰ de reip. christian pro-

Emperour erected cõmon schooles, appointed the best learned schoole maisters, prouided great liuelohods and gaue liberall allovvances vvherby Children might be vvel taught and instructed. The saluage Indians, vvho knovving no God, are onely led by a naturall reason, did so much abhorre and hate idlenes, that none could be suffred nor permitted, to eate any meat emong them before he had giuen an accoũt vvhat he had doon that day, & vvhether he had deserued any meat, vvhich if he could not doo: Tanquam inutilem ex cænaculo extrudebant.

Patric. de iust. reip. lib. 1.

Cicero. offic: lib. 1.

The Romaines had not onely schooles for learning: but also their campos, martios, and common places, vvherin the yung Children and people vvere exercised and instructed in such honest exercises and disciplines. In quibus nulla erat turpitudo. *For it is the specialleſt point and the cheefest parte of a good gouernour and a prudent Magistrate to prouide that Children and yung men be by their meanes instructed and brought vp in honest artes, knovvledge & discipline.* Ineuntis ætatis inscitia, senum constituenda et regneda est prudentia. *And surely the magistrate is nomore bounden, but he vvould be as redy to performe the same, if he did or vvould consider, hovv that he is not in this respect a simple and priuat man: but is the father of the common vvelth,* Ac personam totius Ciuitatis gerit. *And therfore vvel considering his charge: he is to tender the same, and to regarde all sortes of people, vvith a fatherly respect and affection.* Ac summos cum infimis pari iuri tenere.

Idem ibid.

Cicero noteth out of Plato, tvvo speciall precepts incident and moste necessary in a Magistrate and gouernour, th'one is, that vvithout respect, he doo cheefly tender the vtilitie and profit of all and euery of his Citizens: the other is, that he doo also consider the saftie of the body of the Citie, for the gouern-

ment

ment of a common vvelth is moste like to the Tutorship of a yung pupil, vvhose gouernour and Tutor is to doo, such and all maner of things vvhich may tend & be for the best behoof and pfit of the pupil: & for that cause is he called a tutor, quasi tuitor, that is to say a careful defendor and a diligent preseruer, bothe for the good educatiõ of their personages and of vvhat so euer to them appertaineth, & so ought the magistrate vvho beeing the generall Tutor is the eye of the vvhole Citie, and therfore must beholde and see euery particular mans cause, he is the eare and mouth of the vvhole body, and therfore is to hear all and to speake for all, he is the head of the vvhole common vvelth: and therfore must vnderstand and direct euery man in his estate and calling. Sic enim remp, tueri debet, vt omnibus consulat. Institutis de tutelis & tutores.

Many good orders I confesse haue heen deuised by the prudent Magistrates and gouernours of this Citie for the good gouernment bothe of the elder sorte and of such yung Orphans, as vnto vvhome any vvelth is left, and vvho are to inioy the benefit of their parents trauels: but suche Orphanes, vvho hauing nothing left vnto thẽ, & beeing destitute of all releef and help: ar left to their owne dispositiõs, these as I said, I say again, swarme in clusters in euery corner and quarter of your Citie, and for vvant of good education and nurturing, doo growe to be thornes and thistles: and vvho as the Caterpillers, Frogs, grashoppers and lice of Egipt, shalbe the plagues of this your common vvelth, and if remedy be not prouided: shall vtterly deuoure and destroy the same. And for these there is no care, no regarde nor account made, but you beeing the fathers of this common vvelth: it is your parte and bounden dutie to prouide also for the education, instruction, & vvhat soeuer is necessary for such, not onely in respect of the safetie and Exod. 7. 8. 9.

preseruation

preseruation of this Citie: but also because God him self, vvho
Psalme. 68. is the father of the Fatherlesse, hath giuen vnto you beeing his
ministers the charge ouer them, and beeing a percel of your ta
lent, and a portion of your office: you are and shall render for
Sept. 6. them an account before the high God at the latter day, vvhen
and vvbere all such as beare rule and be in authoritie, and do
not deale vprightly: shall haue a hard iudgement. VVherfore
as you doo tender the preseruation of your ovvne Citie, doo
vvish vvel to your ovvne posteritie, and vvil auoid the in-
dignatiō and displeasure of the euer liuing God: haue some re-
garde to these poore miserable and destituted persons, let
them bee prouided for, that by your meanes and vnder your
gouernment they beeing taught and instructed in some honest
art or discipline: they may become to be profitable mēbers to the
common vvelth, for as it is vvritten. Si bene educati fuerint
Plato legum et educantur iuuenes, omnia tunc in rep. prospera nauigatio-
Dialogo. 7. ne procedunt. But if you should be remisse, slack and careless
heerin: vvhich God forbid, hovv great vvould be your offence
and hovv greeuouse vvould be your foly against God, against
nature, against your countrie, and against so many poor soules:
vvhose vvant and distresse shall poure out lamentable cry-
es, and vvhose blood shall cry out vnto the Lord for vengeāce
against you? Learne of the beasts of the feeld, of the birds in
the Aire, of the fish in the vvater and of the vvormes cree-
ping vpon the Earth, vvho though they be voide of reason,
and doo nothing but Quantum sensu mouentur. yet of a cer-
taine naturall inclynation, they haue pitie vpon man in his
misery and doo releeue him in his distresse.

Aulus gelli- The Lyon (of all beasts the moste fierce and cruel) finding
us li. 5. ca. 14. Androdus or Androcles the bond man in the vvildernes
and redy to perish, did not only keep him and defend him: but

also fed him dayly for three yeeres together, with meat sufficient for his sustenaunce. The she rauening VVolf gaue suck to King Cirus, & was a nurs vnto Romulus. The VVhale or greeat leuiathã, when Ionah the Prophet was cast ouer the boorde in to the Sea to be drowned, he took him in to his mouth and caried him safe to the land. The Delphin, or Porpose, when Arion the harper at one time, and Temelaus at one other time, were cast in to the Seas, he took them vpon his back, and brought them safe to the shore. Eliah the Prophet beeing in the wilderness, and without all food, a Rauen brought him bread and flesh euery morning, and euery evening. The Lisard will not suffer a man to be bitten with the Serpent, nor to be stung with the Adder. Nam vbi sentit serpentem insidiari circum cursat per collum et faciẽ hominis, nec finem facit donec pruritu scalptuq; vnguium excitetur. VVhat shall I trouble you with the rest all of brute beasts, and seem to perswade you by the examples of vnreasonable creatures, when that you your selues being wise and reasonable men, doo right wel and sufficiently consider the same, & yet for your better direction, not wanting many examples, & infinit presidents of all other countries, and wel gouerned Cities and common welthes, as of the Persians, the Macedonias, the Athenias, the Romaines, the Spartanes, and also the Citie of London, with which Cite if you be not equall: you ar not inferior nor in antiquitie, nor in the zeale which may suffise to further you in any good actions, especially for the prouision of the fatherlesse children. And herin you should doo very wel, & I would wish you to follow the order and manner of the Romaines, whose rule was, that if they at any time did heare or vnderstand of any new deuise, or strange thing, practised in any coũtrie

Iustinus. lib. 8. 43.
Ionah. 1.
Gellius. lib. 16. cap. vlt.
Plinius. lib. 9 cap. 8.
1. Kinge. 17.
Gesner. lib. 2. de quadrup. in lacerto.

or place vvhich they had nat, they vvould vvith all speed get a patrone therof, and frame it to their common vvelth.

Patric. de regno libr. 3. tit. 14.

Quicquid enim vspiam gentiū vel terrarum cognitu dignum inueniebant: quam primum literis cōmendabant et in remp. suam transferebant, vnde disciplinas mores, leges institutaq; artes q; omnes ab alijs in proprias tares deferebant, paruoque temporis curriculo remp. suam meliorem reddid erunt.

vvhich thing, I knovve you haue doon in some things, as the order for orphans, you haue taken from London, and for the erecting of an hospitall, it hath been likevvise vvel ment of you to folovve the order of London, and partly some practises and deuises haue alredy been attēpted, therin vvhich are appa rēt arguments & signes, of your mides vvel bent & disposed. And albeit, the same haue not as yet so good succesſe as so good a thig deserueth: yet dispaire not, for all good attempts haue for the moste parte: hard begining, and the better the enterprise: the more impediamentes. Est enim in initio ardua virtutis via, *& yet neuertheleſſe there is nathig so hard,* q improbus labor non vincat, *and vvhich a vvel vvillig minde cannot compaſe. Neuertheleſſe I knovve many stubling blocks vvil be laid in your vvay, and many aduersaries shall Iehuda, and Beniamin haue to hider the building of Gods temple, but let this cōfort you. God vvil prosper the trauelles of Zorobabell & ouerthrovv the deuises of Sisennes, the Godly in the end shall prosper, & the vvicked shalbe ouerthrovvne, in their ovvn imaginatiōs. For as Achitophel receiued the revvard, & frute of his ovvne vvicked coūcel, & Haman perished in his malicious deuises, and as the vvicked alvvaies fall in to the snare vvhich they doo prepare for others: so GOD deliuereth the iust and prospereth his dooings, and vvhatsoeuer he taketh in hand, it shall go vvel vith him. For vvhen Paul planteth & Apollo vvatereth, GOD giueth alvvaies the in-*

1. Esdras. 5.

Samuel. 17. Esther 7. psal. 7. 57. 37. 1.

1. Corint. 3 Phil. 1.

creace for he it is qui operatur in nobis velle, *and he it is* qui operatur in nobis perficere, *as he giueth vs the grace to haue the vvil to doo good: so of his goodnes he blesseth our dooings to good effect. And although God of his goodnes dooth thus deale vvith vs, and so vvel prospereth our good dooīgs: yet vve may not as careleſſe men, reiect to his care and prouidence, nether yet to be so simple, as to distrust nothing, for as there is a simplicitie of the Doue required in vs: so are vve also vvilled to be vvise as the Serpent, and politique as the Aspis. The Aspis vvhen she perceiueth the inchaunter to be busy about his charming, vvherby to make her to serue his turne: she putteth foorthvvith her taile into one eare and clappeth the other fast upō the ground, & so her eares beeing stopped, she heareth not the voice of the inchaūter though he be moste experte in charming. So must you the magistrats turne the deaf eare, & not listē to the charmīg speeches of the flatterer, nor be caried vvith the smoothe vvoords of the dissembler, and as vvise Vlisses, be not seduced nor caried avvay vvith the pleasāt (but moste perrillouse) logs of the Sirens, but as he did, so doo you stay and binde your selfe to the maſtes of vvisdōe, & not tobe discoraged nor disuaded from the folovvīg vnto effect, of so good & godly enterprises. And yet let not your eares be so stopped, but that your eyes be as open, and learne of the Lion, vvho sleepeth alvvayes vvith his eyes open, & vvhensoeuer he is avvaked, he forthvvith getteth vp to the top of soe Hil, and there looketh abrode to vievv, & see vvhether any advarsaries be abrode, or vvhether any engī or snarē be laid for hī, vvherby is signified his continuall care & diligence, as vvel to preserue that vvhich he hath in charge, as also a redines to remoove and vvithstand the impediments laid & prepared for him, vvhich are*

math. 10.

Isodo. etym. libr. 12. 4.

psal. 58.

Bocacius Certoldus de genealogia deorū lib. 11. cap. 40.

Vptonus de officio militari.

Gesner. de quadrup. libr. 1. in leone.

conditiõs & qualities moste necessarie in a vvise magistrate and a circumspect gouernour, vvho is alvvaye to be looking abrode, & to be circumspect in his dooings, especially vvhen any good act is to be taken in hand. For be he assured, he shall not vvant great store of aduarsaries, vvhich by one meanes or other, vvil doo vvhat may be dooñ, to stop the course of the same. The vvriters of naturall things, doo affirme that there is a fish in the Seas, named Echeneis or Remora, he is but of a small quantitie: but yet of great powver and strength, for a Ship beeing vnder sayl, in all her ruffe, and hauing vvinde vvether, & allthings at vvill, yet this Remora sticking and cleuing to her keele, or bottom, dooth so stop her course, that shee cannot mooue nor make any vvay at all, but lieth stil as though shee vvere in some harbour, or at anker. Ruant licit venti scuiantq; prosellæ imperat Remora furori vires tantas compescit cogitq; stare nauigia, infrenat impetus, domatque mundi rabiẽ nullo suo labore non retinẽdo nec vllo alio modo quam adherendo. And for proof heerof, Plinie alle geth certain exãples, as hovv the ships of Antonius, of Cayus and of Periander vvere stayed at the Seas, by the Remora. And as theise remora, doo stop and stay shipps at the sea from their due course: so there are also certaĩe, & the like Remora at the land, vvhich sticking & cleuing to the ship of the com mon vvelth, doo vvhat they can to stop and hinder the due course of good gouernmẽt. At the seas there is but one kinde of remora, but at the land there are many, euen a thovvsand for one, and although sundrie and diuers: yet all tending to one end, and vvoorking to one effect. One and the cheefest of theise, is Ambition or pride, vvhich is an immoderate affection of the minde, breeding Philautiam, or a self loove in mã, vvher of proceadeth an immoderate desire of honor and superioritie

Isodor. etymolo. lib. 11. cap. 6.

Pluatar. Sympos. 2. questione. 7. Gesner. lib 4. de Aquatib. in Echenide. Bellon⁹. li. 4. de aquatilib⁹

Plinius bistoriæ natur. lib. 32. cap. 1.

Ambition.

Superioritie, enuying the superior, disdayning the equall, and contemning the inferior. And this is the moste naughtie vice vvhich is or may be in any common vvelth, and the fovvlest follie that cã be in man. Miserrima omnio est ambitio, pessimum in Ciuitate numen, maximumque inter homines malũ, *neither hath ther been nor yet is any one thing vvhich more impaireth the state of man, ouerthrovveth Cities & common vvelthes, and disolueth the comon societie. The Angels in pride and ambition, climing and seeking to sit in the throne of God: lost their habitation, and are reserued in euerlasting chaines. Adam, ambicious to be as God: vvas driuen out of Paradice. Corah, Dathan, and Abiron, disdaynig the gouernment of Moises, and ambiciously clayming to the same: the earth opened and svvallovved them vp, vvith all their families. The ambitions of Scylla, Marius, Pũpeius, Cæsar & others, did spoyle & destroy more Cities and people of Rome: then did all their forain vvars & conquests. Carthage through ambicion vvas destroyed, & Pompeius ouerthrovven. Bladud King of this land, a man very vvel learned, yet beeing of Dedalus climing minde, vvould needs flee vp in to Heauen, and haue his seate there, and therfore framed vnto himselfe vvings to flee, but he vvas no sooner mounted vp tovvards his tourney: but that befel dovvne and brake his neck. Ambicion brought Antichriste in to the Church of God, and exalted the sonne of perdicion a boue God. Ambicion raised vp the vnpreaching Pashur, against the preaching Ieremy, & the vvicked Amaziah, against the godly Amos, and the enuious Sisennes, against good Esdras. Ambicion hath been the only cause of so many & of the infinit tragedies, vvhich from age to age, and from time to time, haue been vvithin this realme of England, vvher of the*

Iude. 1.

Geneſi. 31

Numer. 16.

Gaufrede. Grafton.

2. Theſſal. 2.

Ierem. 2. Amos. 7. 1. Eſdræ. 6.

Vniuersities and Chronicles of the same, are full fraughted and replenished. And therfore to cõcludes: Insolens res plenaque intemperantiæ, cupiditatis, violentiæ atque omnium malorum est ambitio dominandi; libido, quæ nullis legibus constringi nullaque virtute potest retineri. Then if ambicion be so dangerous and so vvile a vice, beeing not to be brideled by any lavve, nor ruled by any vertue: it is the parte of euery priuate man, much more of him vvhich bereth rule and is in authoritie, that although he do excel in vvise dome, knoledge, learning, and other the good gifts of the minde, or doo exceed in riches, substance, and posessions, and other the giftes of Fortune, vvhich as the Prophet saieth, doo make men to svvel, Diuitiæ si affluant apponunt cor, yet that they doo not exalte them selues, nor be highminded, nor yet disdaining all others, ambiciously, to seek dominion and to rule the roste, for such men being very vnmeet to rule, and vnfit to gouerne, shall & vvilbe Remoræ, & hinderaunces to good gouernment. There is a nother kinde of Remora, vvhich is named Auarice or couetousnes, & this is an insaciable desire of the minde, to gather and heap vp riches, vvelth, and posessions, making no conscience hovvv, or by vvhat meanes, the same is gotten, but alvvaies careful to get, and fereful to loose. And in this auarice, there be three things cõcurrant, an insaciable desire of filthie lucre and gain, vsing and seeking all the meanes and vvaies they can, beit by right or by vvrong, they passe not so they haue it. The second is tenacitie, and a greedy minde, to keep, hoord, and lay vp in store that vvhich is gotten, making it as it vvere a GOD, and vvherupon the vvhole mide is fixed and set, as the Scripture saith, vbi thesaurus ibi et cor. and this man beeing in the vvickednes of his greedy affection, a plain Idolater, maketh

Omphalius de propug. reip.

Auarice,

Cicero. 3. Paradox.

vvoth. 6. Ephe. 5. 1. Tvvoth. 6.

shipvvrack

shipwrack of his faith, and is drowned in vtter destruction. The third is illiberalitie, which is a pinching & a sparespending, pretending all-waies want and scarsitie, vnles it be in an euel cause, or to an euel end. The man possessed with this wicked spirit or affection, is named auarus. Quasi auidus aues, continually languishing & thirsting for golde and riches, and neuer satisfied. Sed quantum plus habuerit tantum plus cupiat, wanting that which he hath, as that which he hath not. Tam deest auaro quod habet quam quod non habet: whereof the wiseman saieth, the eye of the couetous man is neuer satisfied, and his minde is like vnto hel which is neuer filled. Semper infinita, et insatiabilis est que neque copia neque inopia minuitur, and therfore as Cicero saith, there was neuer a couetous man founde: Cui quod haberet satis esset. Such a man by the iudgement of some men, is most like & best to be compared to a hedgehog, named in latin, Echinus, or Erenaceus: in name he varieth not much from the Echineis & in forme is very like the Pig or hog, sauing that in stead of bristes his body is ful of prickles except on his belly. Quinquis animal est Echinus, et porcelli modū formāq; quæ exprimit spinosus autē ab hinc et inde quā in ventre. The hedgehog liueth by the grapes of other mens vineyards, or by the apples and frutes of other mens orchards and gardens, and whensoeuer he cometh to any vineyard, orchard or garden, if their be no frutes alredy fallen downe for hir: he beateth some downe with his feet, & then roleth himself round vpon the same, quibusque confixa ex cipiti and so lade, he trudgeth away with it, & is not to be discerned from the frute which he beareth: and if in the way he doo perceiue that euery prickle haue not his lading, or that any thing is fallen downe: he vnladeth himself of all the rest, ut

Isodor. etymolo. lib. 10.

Quitilianus eccles. 10. Sal. in catalina.

Cicero in Parado

Gesner. de quadr. in Echino.

omnes

omnes aculeos repleat: *and is neuer satisfied, vntil euery prickle haue his frute and be ful laden, and being come home to his den: he hoordeth vp his store, sparely spending, & greedily keeping that vvhich vvickedly he hath gotten. And so is the couetous man, and this greedy* Echinus *vvho storeth him self vvith other mens goods, and enricheth himself vvith other mens vvelth, he shareth euery mans herbes, and beateth down euery mãs apples, he (as a vvicked Achab) is in loue vvith Nabeths vineyard: he is neuer satisfied vntil euery prickle of his vvicked affection be laden, and his coffers be stored, he increaseth his vvelth by the spoyle of others, and euery man by him is deuoured, he is neither beneficiall to a common vvelth, nor profitable to a priuat man, but altogither as a Pig stil vvallovving in* volutabro cæni sui: *and nothing profitable before he be dead.* Auarus nisi cum moritur nihil recte agit, *and therfore as the fat hog vvhen he is dead is meet for mans table, and good for a mans meate, and as the hedgehog being dead, serueth in physik and helpeth many diseases, as the Phisicions say: so the rich man vvhen he is dead, that vvobis his gathered he knevve not for vvho, he leaueth all behinde.* Diues enim cum interijt nihil secum aufert *and the riches vvith great trouble gotten, vvith much greatnes gathered, in great perplexities and care kept and hoorded to serue the vvicked affection of one: is dispersed to the releef of many. And yet the greedy caterpillar, not considering this: is euer scraping and scratching, his eye is vpon euery mans vvelth, and his lust barneth vpon euery mans possessions.*

1. Regum. 21.

Psal. 32.

Esope hath a prettie Fable, how vv that on a time the Hedgehog perceiuing that the Serpent (vvho of his kinde is

very

very prudent and vvise) had a faire and a large house, and he very greedy & desirus to haue the same: came to the Serpent in the colde vvinter, and pretending great pouertie, begeth some releef, & desireth lodging, and although he vvere denied: yet as a shameles persone so continevveth his sute, and vvith his importunacie, faire vvoords & smooth speeche, he so bevvitched and enchaunted the Serpent: that he at length obtaineth his sute and a little corner of the house vvas graunted vnto him, for his lodging, vppon condition that he should not molest or disquiet the Serpent. This Echinus. vvas contented to yeld to all conditions, and promised to parfourme all couenaunts, but being once entred in to the hovvse: it vvas not long before he had forgotten all promises, and practiseth all the vvaies he may: hovv to obtaine his purpose, vvherfore he buskleth vp him self, and by litle and litle goeth about the house, & at length ful boldely seeketh euery place, and sercheth euery corner, but the Serpent, vvhose dainty and soft skin could not abide the sharp prickles of this churlish hedge hog: is driuē to leap from corner to corner, and not vvithstanding she hisseth at him, and challenging her promises: dooth burden hī vvith vnkīdnes, yet it auaileth not, for she is so long driuen from corner, to corner: and from place to place, that at length she is clene shifted out of the doores & sent packīg to seek a nevv lodging.

And so fareth it vvith all such as doo or shall deale vvith a greedy couetous man, and a churlish hedgehog, for be a man neuer so prudent poletique and vvel adourned vvith vertues and honestie, let him deale neuer so frendly courteously and liberally, yet if the couetouse man do ones season & take holde of hī he vvil as sure as the hedgehog by one meanes or

other vnder minde him of his possessions, bereft him of his thrift, and in the end driue him out of his house and home, for he is like vnto the Ivie, vvhose nature is to begin and to take roote first vnder the root of a tree, vvhich at the first being but litle, and the leaues gentle and small: springeth vp vvithout any harme felt therby and girdeth the tree round about, neuer ceassing vntil he cõe vp to the top, & thẽ hauing thus entred vnder the root, guirded the body & seased vpon the top, be the tree neuer so great & mightie: the Iuie ouercometh him, & he dieth. And so this couetous Iuie begīneth as it vvere hũbly & lovvly, vvith smooth vvoords, & offereth all curtesies, but by litle & litle, he so bev vrappeth the yung gentleman vvith his money, & girdeth him vvith his bõds: that in the end he hath the mastery, and the yung gentle man of a tree is become a small stick, to raunge the feeld and to tip daysies beeing novv in his doublet & his hose, redy to trip a pauian in Hamons court, and to daunce a galliard in Tibornes bovver. This is the nature of this churlish Echinus, of this creeping Iuie, and of this pernicius Echineis vvhose delight & only felicitie is set vpon heaping vp of the vvicked mãmona eue to th'uter ruin of so many as shall deale vvith hi. And stil as a vvicked Echineis is stickig to the keel of filthy lucre & gaine. And heerin he hath one other speciall qualitie or propertie of the Echineis: for as Plinie vvriteth, if he be kept in salte, as the Adamant of natrue dravveth Iron vnto it: so vvil it dravve golde out of any vvater be it neuer so deep. Ea est enim vis Echenidis asseruati in sale vt aurum quod decidernt in altissimus puteos, admotus extra hat. And so the greedy couetous man, for lucre and gain, vvil diue in to the bottom of the deep vvaters, clime vp to the tops of the highest rocks, and creep vp to the highest parte of the mightiest trees, he vvil serch and seek out all the cor-

Plinius. lib. 9 cap. 25.

ners

ners of the vvorld, and ſuch are his ſubtile ſleights, that no Citie is ſo ſtrong, no place ſo vvel defended nor cloſet ſo ſecret vvhich can keep him out, and hauing ones his vvil: of all beaſtes is the moſte churlish and cruel, for he ſpoyleth tovvn and countrie, skimmeth land and ſeas, ſpareth nor Church nor religion, forbereth nor freend nor foe, nor regardeth the common ſocietie, nor pitieth the priuate familie. But as the Grashopper or Caterpiller of Egipt, deuoureth the frutes, the Moth eateth the garmẽt, & the ruſt corrupteth the mettall: ſo dooth he conſume, deuour & ſpoile all that euer is vvith out remorce, cõſideratiõ, or pitie. Fama pudicitia, liberis opibus atq; paretibus cũctos mortales ſpoliat, *& as the Prophet ſaieth, he eateth & deuoureth the people as it vvere bread, vvherfore be you aſsured, vvhere this cãker is once entred, & vvhere this venĩ is once shed: there is vertevv exiled and allgodlines banished.* Nullæ ibi diſciplinæ nullæ bonæ artes, neq; ingenium vllum pollet, ſed omnia vilia, fides probitas pudor atq; amicitia. Salus. de rep, ordinanda, pſal. 14.

And ſuch mẽ may be compared to a certein kinde of Svvallovves, named Apodes, *or* Depodes, *as vvho ſaith, birds vvithout legges, not becauſe they vvãt legges: but becauſe they vſe them not, and theiſe in english are called the bank martinet, or ſvvallovve, but the harroldes, as alſo Sir Thomas Eliot name theim Martlets. The nature of theiſe is to be alvvaies fleeing vpon the vvaters, and commonly no ship ſaileth ſo far at the ſeas, but that theis* Apodes, *or Martinet, is alſo there fleeing.* Nunquam enim tam longe tãq; continuo curſu, recedunt naues a terra vt non circumuolitent eas Apodes. *He is alvvaies fleeing & neuer taketh reſt nor ſitteth as other birds doo, but vvhen the dead ſleep taketh him: he hangeth by his legges.* Pedibus dependens ſomnum Geſner. lib. 3. de auibus in Apode. Hirundine et drepauide,

num capit, *of all birds he is indocilis as Plinie saith, and not to be framed or to be taught to any thing. They doo flee meeting one th'other, as it vvere enccountrīg to fight, but indeed nothing else thē to hunt for flies, vvhich is their onely meate and food.* Insidiantur muscis atque culicibus quarum venationem sibi proponunt et quibus volando pascuntur, *They are seen onely in the somer season, for in the vvinter they are gone. they doo breed in such holes as they cā finde alredy made, in the bancks, for nestes they build not.*

And such an Apodes *is the couetous rich man, vvho though he haue legges: yet for to doo good vvanteth thē, for to visit the sick, to releeue the poore, to contribute to the oppressed, to redeem the captiue, or to doo any good thing: he is lame and he cannot go. But for gaine and proffit, hath vvings to flee as far as any ship can saile. He cannot sleep nor quietly take his rest, because his minde is so pensiue and careful for his muck, and from the greedy looue vvherof, he by no parsuasion or reasons to be dissuaded: nor yet framed to do any good thīg, for he is* indocil *& not to be framed thervnto. He is vvel pleased to be harbored in euery other mans house, & to be fed at other mennes tables, but to harbour others he hath no skil, and to keep hospitaltie, is a gainst his vvil: & not vvithstanding, his toyling, and turmoyling: he fleeth but after flies, and that vvhich in the day of the Lord shall litle auaile him. But as Saint Iames saith: theire golde and siluer shalbe cankred: and the rust of them shall be a vvitnes a gainst them, & shall eate their flesh, as it vvere fire.*

Iames. 5.

Then if this be so foule a vice, so hainous a faulte, and so horrible a sin, in a priuat man: hovv much more intollerable is it in a magistrate & a gouernour. For the higher a man

is in authoritie: the greater is the offence vvhich he committeth. Quanto quis conſpectior, tãto maius in ſé crimen habet qui peccat. *And in vvhom cannot be a vvorſe vice then Auarice.* Nullũ vitium *ſaith Cicero,* eſt tetrius quam auaricia preſertim in remp. gubernantibus: *For he vvhich is graueled vvith couetouſcnes, and choked vvith auarice, & meaſureth all things by money, cãnot diſcerne the trueth nor miniſter Iuſtice: becauſe (as ſaith the Prophet) he iuſtifieth the vvicked, and giueth ſentence for revvards.* Offic. lib. 2. Eſay. 5 Deutro. 16.

God, therfore commaundeth that none ſhould be a ruler in Iſrael, but ſuch as ſhould iudge the people rightuouſly, and not vvreſt the lavve, nor reſpect any perſon, nor take any revardes. For revvards blinde the eyes of the iuſt and pervert the vvords of the rightuous. VVo vvorth then to that vvarren, vvhere the Polcat is the vvarriner, to that flock vvherof the VVolf is the Sheepheard, & that common vvelth vvhere the carmoroſe and inſaciable couetous man, is the ruler and gouernour. For ſuch men be the Remoræ *vvhich ſticking and cleuing to the keele of the ſhip: vvil not permit or ſuffer the common vvelth to proceed and proſper in good gouernement. Theſe be the Adamant ſtones vvhich can doo nothing but dravv vnto them the cancred mettalle of filthy lucre and gain, vvhich ſhall in the end as much auaile them: as did the great ſtore vnto Midas, and the great plenty vnto Tantalus. The one of them hauing infinit treaſure, vvas yet ſo inſaciable: that he prayed GOD that vvhatſoeuer he touched, might be Golde. And hauing his requeſt: the meat & drink vvherevvith he ſhoulde be fed, the apparel vvhervvith he ſhould be clothed, and finally, vvhatſoeuer he touched: vvas turned to Golde, and ſo miſerably thirſting for Golde, and hungring for riches: he vvas*

famished in abundance, and perished in plenteousnes. The other likewise abounding in welth and riches, and yet neuer satisfied: is fained by the Poets, to stand in a goodly Riuer in hel, vp to the hard chin, and ouer his hed, a tree ful of all delectable frutes, euen falling in to his mouth. And yet reaching to take an apple, the tree riseth vp and goeth from him. And likewise, when he putteth down his mouth to drink: the riuer shrinketh and fleeteth from him, according as it is written by the Poet.

Tantalus a labris sitiens, fugentia flumina captat:

which verses of Horace Alciat, by chaunging of woords dooth thus note,

Alciatus, Emblem, 84.

Heu miser in medijs stans Tantalus vndis,
Et poma esuriens proxima habere nequit.
Nomine mutato te de id dicetur auare.
Qui quasi non habeas, non frueris quod habes.

And so hauīg all things enioieth nothing: but lieth tormented, in perpetuall hunger and famine. Of these bothe, Palingenius writeth. Aurum cuncto precor *(meanyng Midas)*

Palingenius in Zodiaco de Tauro.

fiant quæ corpore tanquam.
Nox petijt stolidus, primis contraria votis.
Quum cibus in vacuum nullus descenderet aluum.
Talis auare tibi fortuna est pessime qui cum,
Plus habeas semper eges vt Tantalon vndis.
In medijs cruciat sitis arida.

Such is the reward of couetousnes, and such is the end of greedines. And yet when they haue heaped, and gathered neuer so much and doo build newe barnes to receiue their store: yet shall they cary nothing away with them. Diues cum interierit nihil secum auferet, *but suddainly, and in his moste securitie: they shall come and take his soule from him. And then according to the works of his inuencīos, he shall*

Job. 27. Luc. 12. Psal. 28. Luc. 16

be

be caried in hel, and there to remain vvith the couetouſe rich man.

Many & infinit examples might be reſited, aſvvel of perticuler mẽ, as of publique ſtates: vvhich through couetouſnes haue perished, and through auarice haue ben conſumed. But let this ſuffiſe, that the ſcriptures commaund vs to bevvare of couetouſnes, becauſe they vvhich vvilbe rich: ſhall fall in to temptations, ſnares, and in to many foolish noiſome luſts vvhich drovvn men in to perdicion, and deſtruction, for the deſire of money: is the root of all evel. And as Galen ſayeth, couetouſnes is vvith out meaſure, and alvvaies deſireth more then need requireth, and is the onely cauſe of all ſorovv, ſadnes and heuines. Eſt inexhauſta cupiditas pluraq; expetit, quam vſus poſtulat: homines inexplebiles reddit vnicaq; omnis męroris et triſtitiæ eſt cauſa: nã quicquid facinoris audent patrare homines auaritiæ perſuaſu patrare ſolent. And therfore as that vvater, vvhich iſſueth out of a venimous ſpring or fountaine, cannot be holſome: no more can that gouernment be good and proſperous, vvhich is directed and cometh from a couetous magiſtrate, and a gteedy governor.

Luk. 6
.1 Timot. 6.

Galenus de curandis animi affectibus.

Idem quod medicus ſit Philoſophus.

If therfore, you vvil haue your gouernment to be aſſured, your Citie to proſper, & your good deuices to take effect and good ſucceſſe: take heed and bevvare of this Remora and let him not be ſuffered to ſtick & cleue to your ship, nor haue place in your counſells.

There is alſo a third kinde of Remora, and is named anger malice, or diſpleaſure, vvhich is a malicious diſpoſicion of the minde, not liking nor pleaſed: but greeued, and offended either for ſome iniury and offence doone or ſuppoſed to be doon: and therfore is altogether ſet to be reuenged ſeeking

Anger.

king by all meanes how to compas the same, by deuice or by word, or by act or by all. Which beeing so euel an affection, and so far from right reason: Plato defineth to be a violent force of an vnreasonable minde, vvith out all order or reason. Est enim Ira ceu concitacio animi impetus vilentus animæ irrationalis absq; ratione ceu ordine mentis.

Plato de diffinicionibus.

This affection as the Philosophers say: hath his seat & being in the hart, for vnto the soule, they doo attribute three faculties. The first is reason, vvhich is placed in the hed. The second is that vvhich vvanteth, & is vvithout reason: and is named anger, and that is placed in the hart. The third is appetite or lust, and that is placed in the parts vvhich are neer the belly. These ãe also vvriteth Gallen, vvho hath these vvoords. Tres sunt animæ facultatis, corpus nostrum regentes, rationalis, Irassibilis et appetitoria. *Also in his booke of places affected, he hath these vvoordes,* Porro rationalem animæ vim in cerebro, virilem irascibilem ue incorde appetitoriam in iecore sitam esse nemini non persuasum existimo. *This euel dispositiõ, or effect of the mĩde, & vvhich is thus placed in the hart: cometh and proceedeth of the feruency, inflamation or enkendling of the blood about the hart, for there are in man (as the Phisicions say) tvvo humours ingẽdred of blood, the one is named* Bilis flaua, *or melancholie, and hath his seat in the liuer and spleen. Th' other: is named* Bilis atra *or choler, and hath his seat in the hart, and this is ingendred of the blood about the hart, beeing distempred and inflamed ahoue his iust temperature. And as Gallen saith, is of all humors the hotteſt,* omnium humorum qui sunt incorpore est callidissimus. *And of this faruencie cometh anger, and men become vvrothful,* ex nimia coloris abundantia et feruore incorde fiunt homines iracundi. *and*

Plutarchus de homero.

Galenus de placitis lib. 5. 6. et. 7.

Idem de locis affect. lib. 3.

Alciat. Emble. 97.

Galenus de sanitate tuenda.

de causis morborum.

de causis pulsuum.

De placitis. lib. 6.

Alciatus. Emblem. 84.

Galen. de arte curandi.

therfore

therfore Isodorus saieth Iracunda commeth of the vvoords Yr, vvhich is flaming and of Yra, vvhiche is inflamat, that is to say, a fire or a flame vvhich burneth & inkindleth. This perturbatiõ or euel affect of the minde, hauing in it se parte and portiõ of all other euil affections. Nam omnium perturbationum semina, in iram videntur confluxisse, is of suche a maligne and naughtie disposition, that vvho soeuer is troubled therevvith: is for the time as it vvere a mad man, and is caryed vvith a kinde of madnes. Qui enim Iracũdiæ morbo laborat, parum admodũ a furiosis secernũtur: impetusq; irati animi ab insania vel furore nihil differt, and if in time the same be not compressed and stayed: it becommeth and is very madnes as Patritius sayeth. Si non comprimantur an tequam liberius vagentur, ad insaniam atq; furorem compelluntur. And beeing brought to this extremitie are voide of all reason, set vpon mischeefe and neuer satisfied but vvith reuenging. And therfore such men for the time and vntil they be recouered and come to them selues again: are to be shunned out of all Councels, and sequestrated out of all assemblyes. Make no freendship (saieth Salomon) vvith the angry man, nor keepe company vvith the furious: lest thou receiue destruction to thy soule. For the angry man is as the fire, vvhich the more it is: the more it burneth, for vvhy? he vvil agree vvith no man, he is singuler to him self, and vvil haue euery man dance after his Pipe, or els the cõmon state vvil be disturbed & the ciuil societie disceuered, vvher of doo cõmonly insue spoyles, murders, conspiracios, seaitions, and all such other detestable vices. Quibus status omnes publici atq; priuati, solent labefactari. And as this affection or perturbation of the minde preceedeth from the blood beeing inflamed and ouerhet, vvhich as say the Phisitions,

Lib. etymolog. 10.

Plata. de fra.

Patri. de inst. reip. lib. 2. tit. 9.

Gale. de curand. animi affectibus.

Patric. de reg no. li. 4. tit. 9

Prouerb. 22.

Ecclesiastic. 28

it maketh men vvhot and firy. Homines accendit ac igneos reddit, *then for the moste parte they are all set in blood, and ar delighted in slaughter.*

Galenus de animi morũ et corporei temperamenti consequentione.

Lutea cum surgit bilis crudescit et atro,
Felle dolor furias excitat indomitas,

Alciat. Emble. 36.

Geneſi. 4. 2 Kinge. 21. Matth. 2.

Cain in his malice slue his brother Abel, & Manasses in his fury murthered his father Isaiah, & filled the streats in Hierusalem vvith innocent blood Herod in his rage spilt the blood of his innocent children, of tvvoo yeers of age. Periander of Corinthe, in his fumes murthered his vvife, being great vvith childe. Marius and Silla, in their outrages: made hauoke of the Citisens of Rome, and filled all Italy vvith blood. Richard of Gloceſter, in his raging heats and furious flames: embrevved him selfe vvith moste haynous murders, and horible bloodsheds. Such are the frutes of raging mindes, and such are the effects of furious heds, vvhich dooth so alter and alienat a man from the right vse of reason: that of all brute beastes he is became the vvorst.

Saluſt. Hall. Grafton.

Alciatus. Emblem. 63.

Turpius irato quid posses cernere vultu
Cum fluit arabido spumens ore liquor
Non hominem dicas, feruens quem concitat ira,
Infurias versus incipit esse fera.

And the same rising by degrees, are at the first easily to be compreſſed, and vvithout difficultie to be staied, for albeit (as saith Galen) a man cannot be clene, and altogither exempted from that affection of the minde: yet he may stop the extreame feruencie therof. Nam abira prorsus libera ri nemo simul ac velit continuo potest: pertarbationis tamen intemperantiam, atq; insolentiam, cõprimere potest.

Galen. de cura. animi affecti.

for at the first, it is but a mocion and a dispoſicion of the minde vnto anger, and then as he dooth slacke and quench

the fire, vvhich dooth not maintaine and norish it vvith matter apt for the same: so doth he driue & put avvay anger. Qui eam in initio neq; alit neq; sese inflat. *But if a man not giuing place nor yelding to reason, doe vvax vvarme and folovving the humor, be inflamed, and so malicious: then they in the end, doo become furious and voide of all reason, and not easily to be reclaymed.* Animus enim ira effrenatus virtutis ac rationis habenis non regitur. *It is lamentable therfore, yea and very daungerous, as vvel to the priuate man as to the publique state, vvhen a magistrate or a Senator, standing to muche in his ovvne opinion, either by reaso of his authoritie, vvelth, knovvledge, & vvisdome, or other good gifts: vvil be so fickle and vncertain that vvith the vvagging as it vvere of a stravve, and for euery trifling and light matter: vvilbe mooued and vvax vvarm. And as the vvilde Bore out of the vvood, vvil buskel vp him self to be bevvreked, and haue his vvil: thinking then to vse his authoritie and rule best vvhen he can rage moste. But as the svvord is not to be put in to the hand of the furious: nomore is gouernment to be committed to the hastie.* Qui enim animi perturbatione laborat, inutilis prorsus est reip, et in cætu hominum importus habetur. *S. Paule maketh an argument* a minori, *that the preest, or Bishop vvhich cãnot rule his ovvn hovvshold: is very vnfit & vnmeet, to haue the charge & gouernmẽt of the Church of God.* Siquis domui suæ præ esse nesslit como do dei ecclesiam curabit. *And so the magistrate, if he cannot rule and direct him selfe in that sobrietie, grauitie, & vvisdome as to him appertaineth: hovv shall he be able rightly to gouern, & vvel to direct the common state and publique vvelth? It is requisit therfore, that he abooue all*

Plutarc. de Ira cohibend.

Patric. de reg no. lib. 4. tit. 8.

Cicer. offic. lib. 1.

1. Timo. 3.

others be wise, sober, gentle, and pacient, and free from those angry and furious dispositions: that the cõmon welth be not by him hindered, and that he himselfe non incidat in morositatem inutilem et odiosam: & so altogether vn able to doo any good, for the man fretized with anger, and choked with choler: doeth nothing wel, & therfore saith Cicero abſit ira procul, cum qua nihil recte, nihil considerate fieri potest. For man in his anger can accomplish no good thing.

Cicer. offic. lib. 1, Iames. 1.

If therfore you will haue your counsails to take effect, your good deuises to proceed, your good gouernment to proceed, & your common welth to florish and increase: take heed and beware that the hastie and soon warmed man, be not priuie of your secrets nor sit in your counsailes, for he will without all faile, be suche an Echineis or Remora, that he will not onely stay the ship of the common welth from his due course: but also put him in perril of subuersion, and in the daunger of the rauening Leuiathan.

There be also sundry other vices which proceed from an euell affected and a corrupt harte, as adulteries, theſts, drunkēnes, contēcions and such like: which do pollute and defile a man, making him very vn apt, and vn fit to haue gouernement. For it is not inough for a magistrate to be patient and free from an angrie minde: but he must also be otherwise honest, good and vpright, neq; enim fatesse putes ab ira vna dun taxat liberum conseruare nisi etiam ab omni edacitate vinolentia nequitia durioſitate inuidia aliisque malis affectib⁹ te purum atque integrum conserues. VVherfore as when the weeds be rooted vp: the hearbs doo grove, when the VV asp or homel Bee is expulsed out of the hiue: the Bees make good Honey, and when the Re-

Galen. de cu- rand. animi affectibus,

mora

more is remooued: the ship maketh his vvay. So these naughty disposicions ones remoued, & the common vvelth. rid from the same: your good attempts vvil prosper, your good deuices vvil proceed, and your hospitall vvil be fathered. For to them that doo loone God and doo all things vvel: Omnia cooperantur in bonum. All things shall go vvith them, and vvhatsoeuer they take in hand it shall prosper. Rom. 8.

And as you for your partes, as good fathers and prudent gouernours, haue been and yet are very careful and studious to doo vvhat in you lieth, for the erecting of an hospitall: a thing in respect of the poor destituted & helples children necessary and expedient to be doon: so am I in good hope of your like affection, zeale and good vvill, for and in the erecting, and establishing of a free gramer schoal vvith in this citie, a thing no more needful then most necessary for the generall education of children, of all sorts and degrees in learning. But heer I vvil rather suppresse in silence, then in vttering to prognosticat the euil euents vvhich for vvant therof, is in time like to ensue. And yet the matter so serueth, the time so requireth, and necessitie so vrgeth: that it is more the high time the same were considered, and vvherin I vvould gladly vse some speches, sauing that I minde not, and am very lothe to produce my speech, vvherby to be tedious vnto you, or offensiue vnto those to vvhose office, duty, and calling the same appertaineth. But to my purpose, as there appeereth an erneſt zeale and good affection, that the hospitall ment might come to effect: so dout you not but that euery honest and good citezen vvilbe as ready, for his part & portion to doo the like. For it is the parte, and bounden dutie of euery good citesen,

omni studio atq; prouidentia certare in curandis reip. commodis, et probe cõsulenta, recte perficiendi occasiones suppeditare atque in reip. gloria atque vtilitate augenda magistratum adiuuare, *euery good citisen vvil contend and strive the one vvith the other, to help and further the common vvelth in all good and profitable things, aswel in giuing his aduice: as also giue and contribute of his owne vvherby to help the magistrate, in the further aunce of the proffit of the common vvelth. And therfore for asmuch as you haue giuen the attempt in so good a cause, & some good hope is conceiued of your good continuaunce and forvvardnes therin: distrust not but that GOD vvil send good succesſe. For although your beginings be hard, & haue many Sisemies vvhich doo vvhat they may to hinder the same: yet you knovvv that of hard beginnings come good endigs, and good attempts haue good succesſe.*

Plutarc. de reip. gerende precept.

Experience teacheth you, hovv that in this your owne Citie, such things as doo chesly aduaunce, and maintaine your owne common vvelth, vvere vvithstanded, maligned, and resisted at the begining.

And for asmuch as th'order for th'orphans, alredy by your industrie & meanes, brought to passe, dooth conserne and appertaine vnto all your citisens, or the moste parte of thē, and the same beeing a lavv to binde thē, their ignorance cannot excuse them. Ignorantia iuris non excusat. *I haue vvhought it (vnder your fauour) very meet and expedient, that the same should be so set forth & published, that euery man might vnderstand and knovvve the same. VVherfore presently, I haue collected and drawven out the vvhole order in as perfect maner as I can. And first I haue begun vvith the charter and graunt made by the Queenes moste*

gracious maiestie that now vvis. Then folovvethe act of parlement confirming the same. And after it; all the orders and ordinances by you the Maior and common counsaile decreed, ordained and established for the same. And then the offices duties and fees of euery officer, and all such other things as are incident to the said order. And lastly the maner of all recognisances, and other vvrits for processe cõcerning the court for Orphans. Vvhich my trauailes, such as they ar: I doo offer and present vnto you, not to the end nor yet meaning to teach and instruct you: but to remember you of your ovvne doings, and to teach and instruct the residevv of your citizens, vvhome the same specially do touch and concerne, and for vvhose children the same are doone and prouided. And all be it, I haue perhaps vsed heer in more vvoords then reasons, more speeches then good sentences, and more talke then becometh, and so haue ouershot my selfe: yet there vvanteth not in me a redy and a good vvil to doo the best. Voluntas quidem prompta est, facultas autem nulla aut Difficilis, vvherfore I am to pray you to pardon my rudenes, and to beare vvith my vvekenes. For matter as me thought, offered it self plẽteously, the time beguiled me & the fleeting pen vvrvvares deceived me. Plato legum dialogo. 1.

The lord God vvith direct & blesse vvise in their counsailes and sitteth in the middle of the vvise elders: direct your counsailes, guide your doings, and prosper your gouernmentes, that as this auncient citie, florishing vnder the good and prudent gouernment of your auncestors, and predecessors, vvas called Augusta that is to say florishing and increasing: so the same by you directed in all vvisedome, Iustice, and good order, may prosper and encrease Lhuyd in the breviary of Britaine.

more

more & more, and be magis Augusta: and in deed, whē the liuing GOD shall remoue, and restore the same to a moste perfect, absolute, and happy estate: the same may be maxime Augusta, and you to haue your seats emong the xxiiij. elders, and be crowned emong them in the euerlasting Citie and be anenty Heerusalem of the immortall, eternall & euerliuing God.

Exon. in. Iubi.

Your worshipps to command

John Vowell alias Hooker.

ELIZABETH deigratia Angliæ Franciæ et hiberniæ Regina fidei defensor. &c. Omnibus ad quos presentes literæ peruenerint salutẽ. Sciatis quod ob amorẽ et intimum fauorem quib9 dilectos subditos nostros Maiorẽ balliuos, et communitatem Ciuitatis nostræ Exon prosequimur: cupientes et multum desiderantes rempꝰ et communitatem dictæ Ciuitatis nostræ indies in melius reformari, gubernari et augmẽtari. Necnon volentes fidem, obedientiam et seruicium dictorum Maioris, Balliuorum et cõmunitatis dictæ ciuitatis nostræ præcharissimo fratri nostro Edwardo nuper regi Angliæ præstita, et facta, in quadam rebellione & obsidione, versus cameram nostrã dictæ ciuitatis nostræ motis per quosdam in partibus Deuon, et Cornubiæ tunc rebelliones suorum fidei et obedientiæ immemores in obliuionem trahi, sed potius vt eorum fides obedientia, et veritas in perpetuam obseruetur memoriam, tam de prædictis, quam de aliis considerationibus

nibus, nos mouentibus, de gratia nostra speciali, et ex mero motu nostro, omnes et singulas antiquas libertates, consuetudines, priuilegia, franchesias iurisditiones præminentias et cætera, omnia et singula quæcunq;, quæ in aliquibus Chartis aut literis patentibus aliquorum progenitorum seu anteceſſorum nostrorum Regum Angliæ dictis Maiori, Balliuis et communitati cõitatus dictæ Ciuitatis nostræ Exon, et eorum ſucceſſoribus dum Maior, Balliui et cõmunitas comitatus dictæ ciuitatis nostræ existebãt ac Maiori, Balliuis et cõmũitati dictæ Ciuitatis nostræ Exõ, et corũ ſucceſſoribꝰ dũ Maior, Balliui et cõmũitas dictæ ciuitatis nostræ Exõ existebãt: ac Maiori, Balliuis et ciuibus dictæ Ciuitatis nostræ Exõ et corũ ſucceſſoribus, dum Maior, Balliui et Ciues existebant, Ciuitatis prædictæ vel quocunq; alio nomine aut quibuscumque alijs nominibus, dictis Maiori Balliuis et cõmũitati, ante hæc tempora facta et cõceſſa: dictis Maiori, Balliuis et cõmũitati Ciuitatis nostræ Exon, et eorum ſucceſſoribus imperpetuũ pro nobis hæredibus et ſucceſſoribus nostris, acceptamus, approbamus et ratificamus: et pro nobis, hæredibus et ſucceſſoribus nostris, quantum in nobis est tenore presentium confirmanus

Cõfirmatio libertatum.

firmamus Et insuper volumus et pro nobis, hæredibus et successoribus nostris concedimus et confirmamus Maiori, Balliuis et cõmũitati Ciuitatis nostræ Exon prædictæ, et eorum successoribus imperpetuum: quod habeant, gaudeant, vtantur, et fruantur omnibus et omnimodis libertatibus, preuilegijs, potestatibus et Iurisditionibus infra limites et bundas comitatus Ciuitatis nostræ Exõ prædictæ, in tam amplis modo et forma, prout cõtinetur in aliquibus chartis aut literis patentibus vllorum progenitorum seu antecessorum nostrorum quondam regum Angliæ. Et adeo plene libere et integre ac si omnia et singula in eisdem aut eorum aliqua, contenta, essent, modo in hijs literis nostris patentibus peculiariter, et verbatim expressa declarata et contentata. Et vlterius de vberiori nostra gratia et ex mero motu et scientia nostris damus et concedimus pronobis hæredibus et successoribus nostris, præfatis Maiori, Balliuis, et cõmũitatis Ciuitati nostræ Exon prædictæ et eorum successoribus imperpetuum quod Maior ciuitatis nostræ, prædictæ et successores sui imposterum pro tempore existentes, imperpetuum sit Escaetor noster hæredum et successorũ nostrorum, detempore in tempus, infra comitatum Ciuitatis

Maior cõstituitur Escaetor infra comitatum Ciuitatis Exon.

nostræ Exon prædictæ. Ita quod iuramentũ præstet corporale in Guihalda Ciuitatis prædictæ, tempore admissionis suæ in officium Maioratus, quod officium Escaetoris fideliter exerceat. Et quod nullus alius Escaetor nostræ hæredũ vel successorum nostrorum infra dictam Ciuitatem nostram aut fines et limites comitatus eiusdem ciuitatis, aliqualiter se intromittat, aliquo tempore infuturum. Et quod vicecomes noster hæredum et successorum nostrorũ infra comitatum dictæ Ciuitatis nostræ Exon imperpetuũ, in quolibet anno habeat, teneat et custodiat, duo turna cum curia visusfranciplegij infra comitatum Ciuitatis nostræ Exon prædictæ, temporibus in alijs comitatibus regni nostri Angliæ consuetis et vsitatis pro eisdem. Et quod quilibet Vicecões noster hæredum et successorum nostrorum Comitatus Ciuitatis nostræ Exon prædictæ imposterum pro tempore existenti imperpetuum faciet, constituet et habebit de anno in annum vnum subuicecomitem de et pro exercitione et occupatione officij subuicecomitis infra comitatum Ciuitatis nostræ Exon prædictæ, tali modo et forma prout ciuitates nostræ London et Bristollia seu eorum altera habet aut habuerit. Et quod prædicti subuicecomites,

Vicecomes custodiet duo sua turna.

Vicecomes cõstituet suũ subuicecomitem.

mites, clerici et officiarij vicecomitis comitatus Ciuitatis nostræ Exon prædictæ, pro tempore existentes, possint et valeant continuare et exercere officia sua prædicta de anno in annum quemadmodum ceteri subuicecomites clerici et officiarij vicecomitũ nostrorum in Ciuitatibus nostræ Londõ et Bristoll, seu earum altera possint et valeant absq; vlla forisfactura, pæna seu penalitate, aliquo statuto, ordinatione seu prouisione in contrariũ non obstante. Et etiam volumus et per presentes pro nobis hæredibus et successoribus nostris cõcedimus præfatis Maiori, Balliuis communitati Ciuitatis nostræ Exon prædictæ, et successoribus suis imperpetuum quod Maior et viginti quatuor de cõmuni consillio Ciuitatis nostræ Exõ prædictæ, vel eorum maior pars qui pro tempore erunt pro meliori statu et gubernatione cõitatus aut Ciuitatis nostræ Exõ, actus ordinationes statuta et prouisiones pro communi vtilitate comitatus aut Ciuitatis nostræ prædictæ et inhabitantum eiusdem, de tempore in tempus imperpetuum ordinare facere et statuere ac eadẽ alterare mutare et reforma re ad eorũ libitum possint et valeant, modo eadem leges ordinationes et statuta aut eorũ aliquod siue aliqua non sit nec sint legibus et ordinationibus hu-

Subuicecomes potest officium continuare de anno in annum.

Maior et xxiiij. possint statuta et ordinationes facere.

ius regni contraria. et vlterius de vberiori nostra gratia volumus quod prædicti Maior et Balliui Ciuitatis nostræ Exõ prædictæ, qui pro tempore erunt de tempore in tempus imposterum habeant scrutiniũ, gubernationẽ, superuisũ et punitionẽ omnium Indigenorum et alienigenorũ, omniũ et singulorũ ciuium et aliorum in habitãtium infra comitatum Ciuitatis nostræ Exõ prædictæ quoquo modo vtentium seu exercentũ aliquibus misterijs infra comitatũ Ciuitatis prædictæ seu aliqua re eisdẽ aut alicui eorundem pertinente tam in emptionibus, scissuris, operationibus, mensuris et ponderibus quam in quacunq; alia re ad dicta misteria seu eorum aliqua quoquo modo spectante seu pertinenti. Et quod dicti Maior et Balliui Ciuitatis prædictæ qui pro tempore erunt habeant superuisum, punitionem et correctionem tam de omnibus et singulis personis quam de misterijs prædictis ac de omnibus delictis factis fiendis perpetratis et perpetrandis infra comitatum Ciuitatis nostræ Exon prædictæ, totiens quotiens et quando ipsis visum furit: ita quod huiusmodi correctio, reformatio seu punitio cuiuslibet delinquentis seu delinquentum, fiat per dictos Maiorem et Balliuos qui pro tempore fuerint secundum leges ordinati-

Maior et Balliui habeant gubernationem omnium indigenorũ et misteriorum.

Maior et Balliui habent punitionem omnium personarum de aliquo misterio.

ones

ones et statuta huius regni Angliæ aut consuetudines dictæ Ciuitatis nostræ Exon. Et vlterius volumus et concedimus pro nobis hæredibus et successoribus nostris, præfatis Maiori, Balliuis et cõmũitati Ciuitatis nostræ Exon, et eorũ successoribus imperpetuum quod de cætero sit et erit in Ciuitate nostra Exon prædicta, perpetuis futuris temporibus vnus camerarius Ciuitatis nostræ Exõ prædictæ, qui quidẽ Camerarius et quilibet successorum eius pro tempore existens, de tempore in tempus erit eligendus nominandus et præficiendus modo et forma sequentibus, videlicet quod Maior et viginti quatuor de communi concilio dictæ Ciuitatis nostræ Exõ aut illorum maior pars pro tempore existenti ad eorum libitum et placitum in guihalda dictæ Ciuitatis nostræ Exon quandocunq; voluerint imperpetuum de tẽpore in tempus eligent et nominabunt vnum de ciuibus eiusdem Ciuitatis nostræ Exon qui liber infra eandem ciuitatem adtunc fuerit, Camerarium Ciuitatis nostræ prædictæ, habendum et exercendum officium illud quamdiu fuerit in dicto officio, ac quousq; idem Camerarius ab officio illo per Maiorẽ et prædictos viginti quatuor de cõmuni concilio, aut illorum maiorẽ partem ob aliquam causam

Camerarius Ciuitatis constituẽdus.

Camerarius quãdo preficiendus et eligendus.

causam rationabilem fuerit amotus, aut ab illo officio sponte recesserit aut morte preueniatur: qui quidem Camerarius sic electus, nominatus et prefectus et successores sui qui pro tempore fuerint et eorum quilibet cum electi, creati et prefecti fuerint coram Maiore et Balliuis dictæ Ciuitatis nostræ Exon in Guihalda prædicta, dictæ Ciuitatis nostræ Exon sacramentum præstabit corporale, quod ipse officium camerarij eiusdem Ciuitatis nostræ Exon ac omnia quæ ad illud officium pertinebunt ad faciendum et exersendũ, quãdiu illud officium habuerit et exercuerit bene et fideliter faciet, exercebit et exequetur. Et quod quilibet Camerarius dictæ Ciuitatis nostræ Exon de cetero, eligendus et nominandus, cũ in camerarium eiusdem Ciuitatis nostræ Exon electus præfectus et nominatus fuerit habeat successionẽ perpetuum quodq; ipse et omnes successores sui imperpetuũ, Camerarij dictæ Ciuitatis nostræ Exon nominentur et vocentur: habeantq; et eorum quilibet habeat sigillum pro officio Camerarij dictæ Ciuitatis nostræ Exon ac pro negotijs et officio camerarij dictæ Ciuitatis nostræ Exon pertinens deseruiturũ. Et quod Camerarius dictæ Ciuitatis nostræ Exon ac omnes et singuli successores

Sacramentum camerarij.

Camerarii successio est perpetua.

Camerarius sigillũ pro officio habere debet.

cessores sui imposterum eligendi et preficiendi imperpetuum habeant et eorum quilibet habeat cum in officium camerarij Ciuitatis nostræ Exon electi, præfecti et iurati fuerint, consimiles authoritatem et potestatem faciendi et exercendi ac omnia et singula facient et exequentur infra comitatum dictæ Ciuitatis nostræ Exon, et libertates ac procinctus eiusdē tales et huiusmodi quanta et qualia camerarius Ciuitatis nostræ Lōdon infra eandem Ciuitatem nostram London facere vel exercere potest aut facere et exercere consueuit. Et quod prædictus Camerarius et omnes successores sui imposterum eligendi imperpetuum per nomen camerarij Ciuitatis nostræ Exon et eorum quilibet pro tempore existenti coram nobis hæredibus et successoribus nostris in Cancellaria nostra hæredum et successorum nostrorum necnon coram Iusticiarijs nostris hæredum et successorum nostrorum de communi banco et coram Thesaurario et Baronibus de Scacario nostro hæredum et successorum nostrorum quam coram quibuscunq; iudicibus siue Iusticiarijs nostris hæredum et successorū nostrorū quibuscunq; alijs iusticiarijs siue Iudicibus nostris hæredū et successorū nostrorū in quibuscunq; curijs locis et plateis placitent et

Authoritas Camerarij.

Camerarius potest placitare et implacitare.

implacitẽtur, placitare et implacitari, respondere possint in quibuscunq; actionib⁹, sectis, quærelis, et demãdis realibus personalibus et mixtis, negotia cõmunia dictæ Ciuitatis siue orphanorũ eiusdem siue eo aliquod, quoquo modo tangẽtibus. Et quod prædictus Camerarius dictæ Ciuitatis nostræ Exon et successores sui, et eorum quilibet detempore in tempus omnia et singula reuentiones prouentiones proficua et emolumẽta quæcunq; quæ idem Camerarius vel successores sui tempore quo Camerarius dictæ Ciuitatis extiterit vel extiterint ad vsum et proficuum Maioris, Balliuorum et cõmũitatis Ciuitatis illius receperit vel pereperit, necnõ omnia onera et omnimodas chartes, euidentias, scripta obligatoria et munimẽta quæ idẽ Camerarius et omnes successores sui imperpetuum imposterum eligendi pro tempore existenti durante tempore quo ipse Camerarius vel aliquis eius successorum Camerarius Ciuitatis nostræ Exon prædictæ extiterit, ad vsum dictorũ Maioris, Balliuorum et communitatis dictæ Ciuitatis nostræ Exon aut successorum suorum receperint seu habuerint seu recipiet, habebit ad vsum dictorum Maioris, Balliuorùm et communitatis dictæ Ciuitatis Exon et successorum suorum durante termino

Camerarius omnia quæ ad vsũ Ciuitatis recipesrit fideliter seruabit et expendet ac de anno in annum fidelẽ cõputum reddet.

no quo ipse Camerarius vel aliquis successorum eius, officium Camerarij dictæ Ciuitatis nostræ Exon exercuerit, bene et fideliter custodiet et custodiri faciet ac prouentus, reuentiones et proficua huiusmodi sic recepta ad vsum et proficuum eorundē Maioris, Balliuorū et cōmūitatis dictæ Ciuitatis nostræ Exon et successorum suorum applicabit expendet et persoluet ac de omnibus et singulis receptis et habitis, bonum et fidelem compotum quolibet anno infra rationabile tempus illi per Maiorem et viginti quatuor de communi consilio dictæ Ciuitatis nostræ Exon coram buiusmodi auditoribꝰ Ciuitatis prædictæ ad hoc per Maiorem et xxiiij. de communi consilio aut maiorem partem eiusdem Ciuitatis nostræ Exon pro tempore existente assignandi, bene et fideliter reddet et faciet. Et quod prædictus Camerarius dictæ ciuitatis Exon et quilibet successorum eius pro tempore existenti qui ab officio Camerarij Ciuitatis illius vt prædictū est amotus fuerit ob aliquam causam rationabilem per prædictos Maiorem et xxiiij. de communi consilio dictæ Ciuitatis nostre Exon vel per maiorem partem eorundem: aut receserit ab officio prædicto aut morte preuentus fuerit, quod tunc post rationabile

Auditores de audiēdo Camerarijcō pōto per Maiorem et xxiiij, sunt assignandi.

tempus per prædictos Maiorem et xxiiij. de communi consilio aut maiorem partem eorundem prefigendum postquam sic amotus fuerit vel recesserit ipse executores vel assignati sui sufficientem et fidelem compotum de omnibus et singulis per ipsum preantea receptis et habitis ad vsum prædictorum Maioris, Balliuorum et communitatis coram auditoribus per prædictos Maiorẽ et xxiiij. vt prefertur assignandis reddet et faciet et reddi et fieri faciet. Et vlterius de vberiori nostra gratia cupientes prouidere pro tutela defẽcionæ et regimine Orphanorum et infantium qui iam sunt et imposterũ in Ciuitate prædicta erunt et fore contigerint quod bona et catalla eorundem de cætero, imperpetuum et de tempore in tempus fideliter et iuste custodiantur sine destructione seu spoliatione eorundẽ. Et quod bona et catalla eadem conferantur et disponantur ad optimum vsum et proficuum eorundem Orphanorum et Infantium: de gratia nostra speciali et ex mero motu nostro volumus et per presentes pro nobis, hæredibus et successoribus nostris concedimus præfatis Maiori, Balliuis et cõmũitati Ciuitatis nostræ Exon et eorũ successoribus imperpetuum quod prædictus Camerarius dictæ Ciuitatis nostræ Exon et successores sui im-

Bona orphanorũ ad eorum optimum vsum conferenda.

Camerarius debet custodiã habere omnium bonorum orphanorum.

per-

perpetuum cum consensu assensu, et aduisamento dictorum maioris & xxiiij. de communi consilio dictæ Ciuitatis Exon aut eorum maioris partis qui pro tempore fuerint, recipere possint et eorum quilibet recipere possit ab omnibus et singulis cui vel quibus custodia bonorum seu catallorum omnium huiusmodi orphanorũ et puerorũ cõmissa fuerit de eorũ Manucaptoribus recognitiones seu obligationes de et pro huiusmodi pecuniarũ summis ipsis Orphanis et pueris debitis seu debendis certis terminis soluendis ac easdem pecuniarũ summas in recognitionibus sic per recognitores prædictos recognitas de terris tenementis bonis et catallis ipsorum custodum et Manucaptorum suorum quorumcunq; in cõitatis Ciuitatis prædicte existentibus leuentur ad vsum dictorum Orphanorum ac puerorum ad quorumcunq; manus terræ et tenementa illa deuenerint, ac eadem eisdem Orphanis seu pueris libere tenenda vt liberum tenementum suum iuxta formam Statuti de eiusmodi recognitionibus apud Westmonasterium editi liberent seu liberari faciant. Et quod idem Camerarius dictæ Ciuitatis nostræ Exon pro tempore existenti et successores sui habeant de cætero imperpetuum custodiam et gubernationem omnium et singulorum

Camerarius gubernationem habere debet omnium orphanorum.

Orphanorum quorumcunq; ciuium infra dictum comitatum Ciuitatis nostræ Exon. Et quod idem Camerarius dictæ Ciuitatis nostræ Exon et successores sui habeãt et habebũt authoritatẽ, facultatẽ et potestatem recipiendi, leuandi, colligendi, seisendi, custodiendi et custodiri faciendi in cõmuni thesauro Ciuitatis nostræ Exon prædictæ oĩa bona, catalla, debita et legata quæcunq; infra cõitatũ Ciuitatis nostræ Exon prædictæ contingentia, emergẽtia, inuẽta seu existentia quorumcunque Orphanorum aliquorum ciuium Ciuitatis prædictæ imposterum obire contingentium et eadem bona, catalla, debita seu legata dictorũ orphanorũ ad meliora opus vsum commodum et proficuum eorundem per Maiorem et xxiiij. de cõmuni consilio pro tempore existenti aut eorum maiorem partem et Camerarium dictæ Ciuitatis nostræ Exon conuertantur et exponantur, prout in Ciuitate nostra London est et consuetum. Et quod eadem bona, catalla, debita et legata eisdẽ Orphanis soluent et deliberent ad huiusmodi ætatem ac eisdem modo et forma in oĩbus prout in Ciuitate nostra London ante hac in hac parte vsitatum et consuetum fuit. Et quod dictus Camerarius dictæ Ciuitatis nostræ Exon et successores sui pro tẽpore existenti

Camerarius potestatem habet colligẽdi omnia quæcunq; sunt Orphanorũ.

Camerarius et Maior cũ cõsensu 24. omnia bona orphanorum ad eo rũ cõodũ debent exponere.

istenti habeant omnia huiusmodi actiones, sectas et remedia pro subtractione et raptu aliquorum Orphanorum infra comitatū dictæ Ciuitatis nostræ Exon contingentibus, ac pro recuperatione aliquorum bonorum, catallorū, debitorum et legatorum eorūdem omnes tales et huiusmodi officiarios pro meliori gubernatione et preseruatione dictorum Orphanorum ac bonorum, Catallorum, debitorum et legatorum suorum quæ et quales in prædicta Ciuitate nostra London habere ante hac vsitatum fuit aut debuit. Quodque omnia et singula alia quecunq; huiusmodi orphanorū et puerorum bona, catalla, debita et legata eorundem tangentia Exequantur et fiant quēadmodum in dicta Ciuitate nostra London exequi fieri et peragi ante hac vsitatum fuit. Quæ omnia inuiolabiter obseruari volumus per presentes. Et eo quod expressa mentio de vero valore annuo aut de aliquo alio valore seu certitudine premissorum siue eorum alicuius aut de alijs donis siue concessionibus per nos, vel per aliquem progenitorum siue prædecessorum nostrorum præfatis Maiori, Balliuis et communitati Ciuitatis nostræ Exō prædictæ seu eorum alicui ante hæc tempora facta in presentibus minime factum existit. Aut aliquo Statuto, actu ordinatione,

Camerarius Exon omnia potest exequi que potest camerarius Ciuitatis London.

dinatione, prouisione, proclamatione seu re-
strictione inde in contrarium ante hæc tempora
facta, edita, ordinata seu prouisa, aut aliqua alia
re, causa vel materia quacunq; in aliquo non ob-
stante. In cuius rei testimonium has literas no-
stras fieri facimus Patentis. Teste me-
ipsa apud Westmonasteriũ vicesimo
primo die Februarij. Anno
Regni nostri tertio.

¶ Per breue de priuato sigillo et de data
predicta authoritati Parliamenti.

ELIZABETHA DEI gratia Angliæ, Franciæ et Hiberniæ Regina fidei defensor. &c. Omnibus ad quos presentes literæ peruenerint salutem. Inspeximus tenorem actus Parliamenti nostri nobis in cancellariam nostram virtute breuis nostri missi et in filacijs eiusdem cancellariæ nostræ residentis in hæc verba. In Parliamẽto tento apud Westmonasterium xij. die Ianuarij anno Regni serenissime ac excellentissime Dominæ nostræ Elizabethæ dei gratia Angliæ, Franciæ et Hiberniæ Reginæ fidei defensoris quinto communi omnium Dominorum tam spiritualium quam temporalium et cõitatis assensu et dictæ Regiæ Maiestatis tum presentis consensu inter alia sancitum inactatum et ordinatum fuit presens hoc Statutum videlicet.

For the confirmacion of diuerse libertyes graunted by letters Patents to the Citie of EXCESTER.

WHere our moste gratious Soueraine Lady the Quæenes Maiestie by her letters Patents vnder her great seale of England bearing date at Westminster the xxj. day of February in the third yeere of her highnes reign, for the

lowe and fauoure whiche she did beare to her lowing Subiects the Mayor, Balifs and Communaltie of her Citie of Excester wifhing and much defiring the common weale of the Mayor, Baylifs and communaltie of her faid Citie, dayly to be reformed, gouerned and augmented, and alfo willing the faith, obedience and feruice of the faid Mayor, Baylifs and communaltie of her faid Citie to her moſte deer brother Edward, late King of England, performed and don in a certain Rebellion and fiege againſt her Chamber of the faid Citie moued by certain then Rebels againſt their faith and obedience, in the parties of Deuon and Cornwall, not to be vnmindefully forgotten, but rather that their faith, obedięce and trueth ſhould be kept in a perpetuall memory aſwel for the afore ſaid, as for other conſiderations her moouing of her ſpeciall grace, mere motion and knowledge, emong other things hath graunted for her, her heires and ſucceſſors, to the faid Mayor, Baylifs and communaltie of her highnes Citie of Excester afore ſaid, and to their ſucceſſors.

Euery Shirif may haue his vnder Shirif.

That euery Shirif or Shirifs of the Countie of her ſaid Cittie of Excester from thenceforth for the time bęing for euer, ſhall make, conſtitute and haue from yęre to yęr one vnder ſhirif, of and for the execution and occupation of th'office of vnder Shirif within the Countie of Excester afore ſaid, in ſuch maner and forme as her Cities of London and Brifkol or either of them hath or hath had.

And that the ſaid vnder Shirif, Clarks and Officers of the Shirif of the Countie of the ſaid Citie of Excester for the time bęing, may continue and exerciſe their offices afore ſaid from yęre to yęre as other vnder Shirifs, Clarks and officers of her Shirifs in her Cities of London and Brifkol or in either of thē, might and may without any forfaiture, pain or penaltie, any Statute, ordinance or prouiſion to the contrary notwithſtāding.

And where alſo her moſte excellent Maieſtie by the ſame her letters Pattents emong other things of her męere abundaunt grace deſiring to prouide for the education, bringing vp, defence and gouernance of Orphanes and Infants which then were, or hęreafter ſhall happen to be in her ſaid Citie of Excester, that their goods and cattels from henceforth for euer and from time to time for euer ſhould be faithfully and iuſtly kept without

ſpoil

spoile or destruction of the same, and that the said goods and cattels should be imployed and disposed to the best vse and profit of the same Orphanes and Infants. Of her speciall grace & mere mocion willed and by her said letters Patents for her, her heires and successors graunted to the said Mayor, Baylifs and communaltie of her highnes said Citie of Excester & to their successors for euer. That the Chamberlain of the said Citie of Excester and his successors for euer, with the concent, allent and aduisement of the said Mayor and xviij. of the common councel of the said Citie of Excester, or the more parte of them which for the time shalbe, may receiue of all and singuler persons to whom the keeping of the goods or Cattels of all such Orphans and children shalbe committed and of their mainpernors, Recognisance or Obligations of and for such summes of money to the same Orphanes and Children, due or to be due at certain termes to be paid.

The Chamberlain, Mayor & xviij. may receiue Recognisances for the true answering of Orphans goods.

And that the same summes of money in the Recognisaunces so by the Recognitors afore said recognised, contained of the Lands, tenements, and cattels of the same Gardians and their mainpernors whatsoeuer within the Countie of her said Citie, being so leuyed to the vse of the said Orphanes and Children to whose hands so euer those lands & tenements should come, and the same shall deliuer or cause to be deliuered to the same Orphanes or Children to be freely as their free holde according to the forme of the Statute made at Westminster concerning such Recognisances.

The lands and tenements of euery Recognisor for making default of paimẽt to be deliuered to the Orphãs.

And that the said Chamberlain of her said Citie of Excester for the time being and his successors shall haue from henceforth for euer, the keeping and gouernaunce of all and euery the Orphans of what so euer Citizens within the said Countie of her Citie of Excester.

And the same Chamberlain of the said Citie of Excester and his successors, shal haue authoritie, facultie, and power to receiue, leuy, gather, sease, keepe, and cause to be kept in the common Treasury of her Citie of Excester afore said, all the goods, cattels and legacyes whatsoeuer within the Countie of the Citie of Excester aforesaid, happening, arising, found or being of what soeuer Orphanes of any Citizens of the said Citie from thence

The Chamberlain hath power to cease & keep all Orphans goods to the vse of Orphans.

forth happening to dye. And the same goods and Cattels, dets or legacyes of the said Orphanes to the best vse, comoditie, and profit of them by the Mayor and rriity. of the common councell for the time bæing or the more parte of them, and by the Chamberlain of the said Citie of Excester to be turned and imployed as in her Citie of London it is vsed and accustomed.

Orphans to be fully answered of their goods at their ful age.

And the same goods and cattels, dets and legacyes they shall pay and deliuer to the same Orphanes at suche age and in the same maner and forme in all things as in her Citie of London hertofore in that behalfe hath bæn vsed and accustomed.

The Chamberlain to haue his action for the eloyning or rauishing of any Orphan.

And that the said Chamberlain of the said Citie of Excester and his successors for the time bæing shall haue all and such actions, sutes and remedyes for the withdrawing and rauishing of any Orphane within the Countie of the said Citie of Excester happening, and for the recouery of any their goods, cattels, dets, and legacyes and all and such officers for the better gouernance and preseruation of the said Orphans and of their goods, cattels, dets & legacies, as in ỳ Citie of Londō hertofore hath bæn vsed, or ought tobe vsed. And that all and euery other thing whatsoeuer touching the said Orphans or their goods and cattels, dets and legacies shalbe executed and don as in the said Citie of London before time hath bæn vsed to be executed don & performed.

All things concerning Orphans tobe doon in Excester as it is vsed in London.

Be it enacted, ordained and established by the Quæne Maiestie our souerain Lady, by the assent of the Lords spiritual and temporall, and the commons in this present Parlement assembled, and by the authoritie of the same, that all and euery the graunts, libertyes and articles contained in the said letters Patents to the said Mayor, Baylifs and Communaltie of the said Citie of Excester by our said souerain Lady, graunted and made, mencioned and recited in this present Act, tobe to the same Mayor, Baylifs and communaltie, and to their successors by authoritie of this present Parlement ratified and confirmed in all points.

Confirmation of the Cities Charters and libertyes.

And that the said Mayor, Bailifs and communaltie, and their successors for euer shall and may quietly haue, vse, doo, exercise and inioy all and euery the graunts, libertyes, priuileges, powers, authorities, Iurisdictions, actions, vsages and other things what soeuer to them by the said letters Patents graunted as amply

amply and in as large manner, forme, forte and degree as the true meaning of the Quenes highnes was by the said letters Patents, any Act or Acts before this time had or made, or any other thing or matter what soeuer to the contrary in any wise notwithstanding.

Prouided alwaies that this Act or any thing therin contained shall not in any wise extend, be preiuditiall or hurtfull to the right of any lawful warde or wardes of the Quenes highnes her heires or successors, or to the lawful warde or wardes of any other person or persons, nor to the Bishop of Excester or to his successors, nor to the Deane and Chapter of Excester, nor their successors, for or concerning any their liberties, priuileges, leetes or franchesies what soeuer, being within the limits and bounds within the Countie and Citie of Excester aforesaid, but that they and euery of them shall and may haue, holde, vse, exercise and inioy the same libertyes, priuileges, courts, leets and franchesies and euery of them in such like forme and condition to all intents as they or any of them heertofore lawfully had, occupyed or enioyed, or might lawfully haue had, occupyed or inioyed before the making of this present Act, in such maner and forme as if this Act had neuer been made, any thing in this Act to the contrary notwithstanding.

This graunt not to extend to any the Queenes Maiesties wardes the Bishop/ Deane and Chapter.

Prouided alwaies and be it enacted by the authortie afore said that all Recognisances which hereafter shall be taken and knowledged by any person or persons within the Countie of the said Citie of Excester touching or concerning any the said Orphan or Orphans goods or cattels, shalbe taken and acknowledged before the Mayor and xviij. of the common councell of the said Citie or the more parte of them, and that euery such Recognisance so taken and knowledged to any person or persons shall extend and be of force, validitie and effect, in law to all intents and purposes as Recognisances touching or concerning Orphan or Orphans goods and Cattels, taken or knowledged within the Citie of London hath been heer tofore vsed or accustomed, and of no greater force, strength and effect any thing herin contained to the contrary not withstanding.

All Recognisances tobe taken before the Mayor and xviij. of the Citie.

Nos

Nos autem tenores dicti actus Parliamẽti nostri ac omnia et singula in eodem contenta ad requisitionem Maioris, Balliuorum et Comitatis Ciuitatis Exon duximus exemplificandum per presentes. In cuius rei testimonium has literas nostras fieri fecimus Patentes teste meipsa apud Westmonasterium tertio die Maij, anno regni nostri, quinto.

The Statutes, decrees and ordinaunces, made decreed and established by the Mayor and the xviiij. of the common councel of the Citie of Exceter, for and concerning the ordering of Orphans and of all such goods and Cattels as to them appertaineth, within the Citie of Exceter and libertyes of the same.

CD CD

FIrst it is ordayned that what socuer benefit doth growe to the Childe of any free man of the Citie of Exceter, whether it be by lands, or goods, or legacyes, or whether it be from father or mother, or straungers, or whether the Parents liuing or dead, the same shalbe wholly in the order and gouernaunce of the Mayor and xviij. of the common councel.

All the goods and lands appertaining vnto any are wholy in the gouernance of the Mayor & xviij.

¶ Also within one Moneth after the death of any free man the Executor or Administrator shalbe warned by an Officer therfore appointed (called the common Cryer) to appeare before the Mayor and xviij. at the next Court day to be holden, and then and there shalbe bounden by Recognisance to bring into the Court at a certain day by them, then to be appointed, the last will or Testament and Inuentory of the Testator and that before the Executrix (if she be a Widow) do mary.

The Executor or Adminstrator to be warned to bring in the Testament by a day.

¶ Also if the Executor so warned by the common Cryer to appeare at a certain day appointed before the Mayor and xviij. do it not, or refuse to do it, that then he or they so refusing and not appearing, to be committed to Prison and there to remaine vntil he do enter in bond or Recognisance with sufficient suretyes to bring in the Will or Testament and Inuentory in maner as is before declared.

The Executor refusing to appeer to be committed to prison

¶ Also it is ordred that when any Inuentory is to be made the Prayers of the goods of euery such Testator shalbe appointed

Prayers to be appointed and sworne by the Aldermen of the warde.

ted by the Alderman or his Deputie of that warde in whiche the Testator dyed and dwelled, and which Prayſers ſhall dwell alſo in theſame warde and before they dw make any praiſemēt, they ſhalbe ſworne to value and praiſe the goods indifferently.

The Executor is to beſworne that the Inuentory is true.

¶ Alſo the Inuentory bæing brought in by the Executor or Adminiſtrator at the day and time preſcribed the ſaid Executor or Adminiſtrator ſhalbe ſworne that the Inuentory is iuſt and true which othe is to be miniſtred by the common Sergeant.

The othe of the Executor.

¶ The maner of the othe to be exhibited to the ſaid Executor or Adminiſtrator is this. You ſhall ſweare that you haue truely preſented and ſhewed forth to the Prayſers by the Alderman or his Deputy of the warde appointed, all ſuch goods, cattels, money, plate, Jewels, houſhold ſtuf, wares, merchandiſe, Leaſes and what ſo euer other goods as were your laſt Teſtators, you haue left out no money, you haue charged him with no dets to be doutful or deſperate, which you dw think in your conſcience to be gwd dets, but you haue dwn all things vprightly and truely, as an Executor ought to dw. So God help you and by the contents of this booke. And if he, ſhe or they dw refuſe to be thus ſworne, that they by the Mayor be committed to warde.

The common Sergeant is to deduct all the dets and funerals out of the whole goods.

¶ Alſo when the Inuentory is receiued togither with the wil or Teſtament, which is alſo to be brought in and exhibited. The common Sergeāt ſhall deduct out of the whole Inuentory, the dets, and ſo much funerals as according to the ſubſtance is allowed, and that dwn : ſhall deuide the whole reſidue into three partes, wherof th'one third to be to the wife, one other third to the Children, and the laſt third reſerued for the performance of the wil of the Teſtator.

The Teſtator having no wife the goods muſt be deuided in to two partes.

¶ Alſo if the Teſtator had no wife at the time of his death, then the goods ſhalbe deuided but into two partes, wherof th'one moitie ſhalbe reſerued to the Children, and th'other moitie to be reſerued to the Teſtator. The like is if the teſtator be a widow.

¶ Alſo when the common Sergeant hath thus deuided the third

third parte or the one moitie for the Children, then he hath also to examine and peruse the Will and Testament for Legacyes, and if he finde any to be giuen to the Children or to any of them ouer and aboue the third parte due vnto them, then shal he giue that in charge, and shall demaund and require suretyes aswell for the legacy as for the Orphanage.

The common Seargeant is to examin the wil for the legacyes, if any be giuen to any Orphan.

¶Also in taking of Suretyes there may be no fewer then foure to be taken in euery Recognisance for euery Orphanage or Legacy if the summe therof do amount and be one hundred pounds.

Foure suretyes to be taken in euery Recognisance of an hundred pound.

And there shall not be aboue one hundreth pounds in any one Recognisance, and euery Suretie taken shalbe by the consideration of the Court worth the principall.

Euery suretie must be worth the principall.

¶Also euery Recognisance to be taken and acknowledged must be taken to the Chamberlain for the time being, but before the Mayor and Common councell, who must be aduised of the state and abilitie of euery Suretie.

Euery Recognisance must be taken to the Chamberlain but before the Mayor & rest.

¶Also if the funeralls do passe and surmount the portion appointed for a man of that substance, then the ouerplus whiche was not deducted of the whole Inuentory: shalbe deducted out of the Testators parte as the Legacyes be. And if such ouerplus of the funeralls do surmount the Testators third parte, then euery one which is to receiue and haue any Legacy, shall beare his parte and portion after the rate.

Funerals more then ordinary how farre they be to be paid.

¶Prouided neuertheless that the funeralls do not exceed nor surmount the ordinary appointed.

¶Also euery yeare on the Munday next after Midlent Sunday there shalbe kept before the Mayor and Common councell of the Citie, the generall court of Orphans, at which all sureties vpon any Recognisance shalbe called and if they make any default so that no one suretie do appeare, for euery one Recognisance, that the the surties to pay vi. for euery pound of so much as they stand bounden for. And then the Mayor and common

A generall Court of Orphans to be kept yeerly on the monday in mid Lent.

councel, or the more parte of them may at their pleasure vpon reasonable causes of default of abilitie to cause them to put in further Suretyes.

Euery Orphan maryed without licence is to be deducted of some part of the portion for a fine.

¶Also if any Orphane do mary before full age without lycense of the Court, then there shalbe deducted out of euery pound due by Recognisance, or of so muche money as shall remain in the custody of the Citie xij.ð. and the same to be forfaited to the vse of the Chamber, and if any womã childe beeing an Orphan and vnder the age of xij. yeeres, after the death of her father, do either contract and insure her self in mariage, or do perfectly consumate and solemnise the same with any free man without consent of the Mayor and Court, that then for euery suche default so committed beeing sufficiently proued by two witnesses or confessed by the parties, or otherwise wel knowē to the Mayor and Court, shall forfait, forgo and lose of euery pound due to her for her Orphanage the sum of xij.ð. to the vse of the Chamber of the said Citie. And if any such contract or Mariage be had and made with any forrain, and not beeing free of said Citie at the time of the said contract or mariage, that then the Orphan to forfait and forgo of euery pound of her portion xij.s. of which one xij.ð. of euery pound to be to the vse of the Chamber, and the other j.s. of euery pound to be to the vse of such other Orphan or Orphans as shall then remain vnmaryed, beeing the brothers sisters or compartenes with the said so maryed or contracted Orphan, and for such default to the next of the kindred.

Children maried and hauing been aduanced are not to haue any childes parte.

¶Also all suche Children as are maryed in the life time of the Father and haue accepted any aduaūcement, shall not be partakers of any portion after the death of his father, except he, she or they, haue the fathers hand or mark in writing to the contrary. And in that case, he, she or they, shall haue so much to that which they had already receiued as to make vp therewith a whole parte, which they are to recouer of the Executors, by bill or plaint before the Mayor and common councel wherin no wager of Law, protection. &c. Prouided that what soeuer the Testator giueth to his wife in Jointer or to his Childe vnmaryed is not to be accounted for any aduauncement, vnlesse the father

do

dw by expresse wordes giue it to his Childe as for his ful Childes parte and portion.

¶Also euery Orphan demaunding and requiring his parte and portion, is first to proue his ful age of xxj. yéeres vnlesse he or she be maryed, and the age iustly before the Mayor and common councell or the more parte of them beeing duely proued, then he or she to receiue his or her portion.

Euery Orphan is to proue his age before he do receiue his portion.

¶Also euery Orphan receiuing his or her parte and portion shall at the receit therof knowledge and confesse before the Mayor and Chamberlain a ful paiment and satisfaction, and then the Recognisances taken in his or her behalf for the said money, is to be cancelled by crossing the same ouer with a pen.

Euery Orphan receiuing his portion, is to confesse satisfaction.

¶And if the Orphan be a woman and maryed before shée be of the age of xxj, yéeres then at the receit of her parte and portion, her husband and she togither, shall in the Court confesse and acknowledge satisfaction, and then the Recognisance to be canceled as is before declared.

An Orphan maried she and her husband at the receiuing of her portion must confesse satisfaction.

¶Also if the Mayor and Councel shall suspect the Executor or any other person or persons to conuey any suche goods out of the libertye of the Citie, then the Mayor may cause and will the common Cryer which is a Sergeant at armes in that case to sequester the same in safe keeping.

¶Also the Mayor and Common councel shall bring all the goods vnto redy money, as also the Plate and Iewels, and bring the same to one certain sum, and then the disposition of the Orphans partes, is as shall please the Mayor and common councel, and to appoint the same to whome they think good. Neuertheless if the Executors or administrators will or dw make request and put in good and sufficient Sorties for the true answering thereof at the age or mariage of the Orphane, they are to be heard and haue the preferment. And then the same Executors or Administrators shall haue the vse of the same parte and portion vntil the ful age or maryages. And yet this notwithstanding, the Mayor and common councell may retain all, halfe or

All the goods must be reduced into redy money and according to that same surertyes are tobe taken.

so much in their hands as they list and may deliuer to the Executors or administrators what parte & portion them pleaseth.

All legacyes giuen to Orphãs shall remain in the custody of the Executors or Administrators if they doo put in suretyes.

¶ Also for and concerning any thing giuen and bequethed in Legacye to any Orphan that shall fully and wholly remain and be in the distribucion of the Executor and administrator, so that he dw put in sureties for the answering and paying of the same vnto the Orphan. And if the thing bequethed be a Cattell in remaind, they must and are to put in sureties not to alter the same.

The Mayor may appoint the custody of euery Orphan to whome he pleaseth.

¶ Also the custody of euery Orphane shall be committed to such person or persons as the Mayor and common councel shall appoint to be the Guardians.

¶ Also it is ordred that the Orphans of all and euery Testator whiche dyed here tofore not vnderstanding the contents of this Act of Parlement, shall not demaund by vertue of this Act any more for their partes or portions but onely the third parte any Legacy notwithstanding.

Any Orphan hauing inordinatly vsed himself, to be excluded of a childs parte.

¶ Also if any man childe or woman childe, shall maliciously go about or attempt to dw or cause to be dwn, any bodily harme, death or destruction to his or her Father or mother. Or if any Man childe within the age of xxj. yeres, dw mary or contract maryage in the life time of his Father without his consent or against his will by whome he wil claime any portion. Or if any man childe be a Theef or a fellon, or a common whorehunter, or a common Barrator, Dicer, or a common player at vnlawfull games notoriously knowen. Or if any woman childe dw hereafter mary or contract maryage in the life time of her father or other parent, by whom she wil claime any portion, before the age of xxiij. yeres, w̃out the concent of her said father or such other Parent, by whome she wil or shall claime any portion. Or shall hereafter commit any whordome, or be a theef, or a common picker. That euery such person so offending, shalbe barred and excluded to haue any parte or portion.

Prouided

¶Prouided neuerthelesse that if the father or mother of any such Childe or Children doe giue and bequeth in Legacy to any such childe or Children, so much as the portion of such a Childe so offending should or may amount vnto by the costome of the Cittie: that then the said Childe or Children shalbe enhabeled to demaund and haue the same portion or Legacy, so that the same gift or Legacy be contained in his or their Testament in writing and not otherwise. And the said Childe or children shal be admitted and restored to claime and demaund such legacies any thing in this Act to the contrary notwithstanding.

A legacy giuen by expresse words vnto any inordinate childe is sufficient and goodly order.

¶Also if any Orphan doe dye within age, then his or her parte shall accrew and growe to the Administrator of the said Orphan.

The portion of euery Orphan dying/is going to his administrator.

¶Also that the wiues parte nor the Childes parte being once deuided shall nomore after be deuided.

A parte once deuided shal no more be deuided.

¶Also all Legacyes and bequests are to be paid and answered at the times by the Testament appointed sauing vnto Orphans who are to receiue the same at their ful age or mariage.

Orphans to receiue their portions only at ful age.

¶Also no womans goods is to be deuided according to the custome, but yet if any thing growe to any Orphan by or from any woman, the same is to be ordred as any other goods whiche groweth vnto any Orphan.

¶Also if the Widow of the Testator who is made Executrix or is the Administrator, doe mary before she haue exhibited a true and a iust Inuentory, she shall lose viij s of euery pound of her owne third parte to the vse of the Orphans.

The Executrix marying before she hath yeelded a true Inuentory/to lose viij.s the pound

¶Also the Chamberlain, the common Sergeant, the common Cryer, and euery of them for the time, shall and may doe all such Act and acts, thing or things, in and about the premisses and haue like authoritie, and take such ordinary fees and aduantages appertaining to their seuerall offices, as is vsed in the Citie of London.

The Chamberlain/the common Sergeant/the common Cryer haue authority as is vsed in London.

All things to be doon in Excester as is in London concerning Orphans.

¶ Also the maner of Orphans and of their goods and all other sutes, things and doings therunto appertaining, are tobe vsed in the Citie of Excester in all things as in the Citie of London.

The wife beeing neuer so vnnaturall cannot be depriued of her third

¶ And further more if a man dye, his children beeing within age and hath an vnnaturall wife and leaueth to his Children all his goods beeing worth v. hundred poūd, but giueth to his wife onely x. pound and his housholde stuffe, she shall notwithstanding haue the third parte of her husbands goods without denyal: neuertheleſſe if she be lunatick or become any Ideot, the Mayor and common councel are to commit her and her portion to be ordred by such as they shall think good, and this they may doo by custome.

Children beeig Executors may sew or be sewed.

¶ Also if a man make his Children (beeing within age) tobe his Executors they (by the custome) may sew and be sewed as Executors but not otherwise: but for the better preferment of the Orphans, the Mayor and common councel if they thinck it so conuenient may pray and requeſt the Ordinary for the administration: who therupon is to commit it and commonly doth commit the administration to the Chamberlain or to some other whome the Mayor and Court of the xriij. shall think good: which said Administrator may then sew to the beſt behoſe and vſe of Orphans. And if it be not the Chamberlain to whome the said Administration is graunted, then the said Administrator shalbe bound by Recognisance to be taken and acknowledged before the Mayor and common councel that he shall truely sew to and for the vſe of the Orphans, that he shall in the end of his sutes render a perfect account to the Mayor and common Counsell of his said sutes. And that he shall not doo nor procure any thing or things, Act or Acts tobe doon to their hinderance, preiudice or damage. Prouided that the said Administrator must be alwaies a free man.

In what so euer of any Orphās goods doth remain in the Cities hands no profit is to be allowed therof

¶ Also wheras by the order, the Mayor and xriij. of the common councel may retain all or what they liſt in their custody of any Orphans goods, or to diſpoſe it to the Executors as them pleaſeth then this is the order. Of euery hundreth pound or of

so

so much as in the hands of the Mayor & cõmon councel, there shal be nothing allowed vnto the Orphans towards their finding of that portion, because it is intended ỳ their mony lieth vpon some good consideration in their hands, and for their better suretie, without any cõmoditie or profit to the Chamber. But for euery hundred pounds which lyeth in the Executors or any other persons hands there shalbe allowed as followeth. For the first hundred pound, to pay for euery pound xy.d. For the second hundred pound, to pay for euery pound viy.d. For euery third hundreth pounds, to pay iiy.d. for euery pound. And if the Orphanage do amount vnto more, then shall Recognisances be taken reserving such seuerall allowances as according to the rate. Prouided that if he be a free man or Citizen which hath the vse of any Orphans portion, he shall pay no more towards the finding of the Orphan then doth the Executor or Administrator.

¶ Also who soeuer hath the vse of any Orphans portion, and what soeuer gain, profit or commoditie groweth by the vse thereof, no profit shall growe vnto the Chamber of the Citie, but all to the vse of the Orphan.

What profit so euer groweth of a childes parte, goeth to the vse of the same Childe.

¶ Also if any free man dye hauing Orphans at Nurse out of the libertyes of the Citie, and his goods be lying in sundry or seuerall partes of the Realme, and the administration is graunted by the Ordinary vnto a straunger or forrenner which is not free of the libertyes of the Citie, and do also take the goods whiche they finde within the libertyes of the Citie into their hands and dispose it at their wil and pleasure, the Mayor and common councel in this case cannot of them selues make any processe to compel them to come in, but a bil of petition is tobe made to the Lord Chaũceler or to ỳ Lord keeper: vpon which bil so preferred a Sub pena is graunted against the partie, to compel him to appear in the Chauncery. And then he which is so complained vpon, is there bound to appear before the Mayor and common councel, and to abide their order according to the ordinaũces and customes of Orphans

If any forsiner which hath any Orphans goods, wil not come before the Mayor and deliuer the same or be bound according to the order, a bil is to be exhibited against him into the Court of the Chancery.

¶ Also the like order is when any person being not free and not

not within the Citie doo withholde any Orphans goods there is no other processe to be had against him but by a Bill before the Lord Chaunceler or Lord Keeper as is before said.

The Bil to be made to the L. Keeper must be in the name of the Mayor.

¶Also all and euery Bil to be preferred to the Lord Chauncelor or Keeper, must be made in the name of the Mayor and common councel as Gardyans to the Orphans within the said Citie.

Euery forrener hauing any goods in his custody/growing to any Orphan/ if he come within the libertyes of the Citie may be committed to warde vntil he doo pay or take order for the same.

¶Also if any person not beeing free of the Citie, nor inhabiting within the same, haue any goods in his hands of any free man dying Testate or intestate which hath any Orphans: and detaineth and keepeth the same out of the liberties, and doth dispose the same at his wil and pleasure, whether he be the Executor, Administrator or what soeuer els. If he chaunce to come within the libertie, the Mayor and common councel by their priuilege, authoritie and commaundement, may commit and send him to warde or prison, there to remain prisoner vntil such time as he shall deliuer all ẏ same goods as he or were in his hands at the time of ẏ death of ẏ owner deceased, or at ẏ discretion of the Mayor & xxiiij. shall put in sufficient sureties to doo the same by or at a certain day therfore then tobe appointed. And the Executor or Administrator shall before his deliuery, deliuer and put in a true and iust Inuentory, or shall put in suretyes so to doo by a day. And then the Inuentory beeing put in and exhibited, he shall sweare that the Inuentory is iust and true, and also put in sufficient suretyes or be bounden by a day so to doo, for the true answering of the Orphans partes and portions. But if any such person, Executor or Administrator, doo not come wthin the Citie or libertyes of the same, then a Bill is to be preferred to the Lord Chaunceler declaring the substance of the matter (as is afore said.) Upon which bil so exhibited, the Lord Chaunceler or Lord Keeper taketh order that the partie complained of, shall by a day appear before the Mayor and common councel, and to satisfie and doo all, and all maner of things to the behoof & vse of the Orphans according to the good orders, vsages and customes of the Citie.

Also

¶Also if the Executor or Administrator of a free man be a forener and not dwelling within the Citie refuseth to bring in any Inuentory and commeth not within the Libertyes of this Citie, and that no Bil at all is exhibited against him. The Orphan at his ful age may bring his action De rationabili parte bonorum at the common law against the Executor or administrator, & declare vpon the custome of the Citie. And theropon a Cerciorari is directed to the Mayor and common councel to certifie the custome in that behalf, which certificat is tobe made vnder their common Seale. And the same is alwaies allowed and is the best remedy in such cases.

The administrator of a free man beeing a forayner, may be sewed by the Orphan for his parte at the cõmon law.

¶Also what soeuer is before said of or concerning any man withholding any goods, or being an Executor or Administrator, the same is also ment and tobe obserued of the wife, which is the Executrix, or do administer her husbands goods, or do other wise keep and withholde any goods growing to any Orphan.

Vvhat so euer is spoken of a man being an Executor or administrator is also ment of the woman.

¶Also when any Recognisances be taken, they which haue the vse of the money, that is to say, the Recognitors, are to pay the Officers fees out of their owne money and Purses, but when a Recognisance is discharged, and satisfaction knowledged, the Orphans are to pay & must satisfie to the officers the fees appointed, according to the summes & rates therfore appointed. And if the said fees be denied, ỹ officers may bring their action of det as the Attorneys at the Common law do and may do for their fees, declaring that time out of minde such fees haue been vsed to be payed, and now the same denyed to their damage.

A Recognisace knowledged, the Recognitors are to pay the fees, but at the discharge he who receiueth is to pay.

Also if the Recognitor or Executor do not bring in a perfect Inuentory, at or by the day to them appointed, then a Scire facies is to be awarded against him or them in the Chamberlains name, or elsif you list be may be arrested vpon the Recognisance.

If the Inuentory be not brought in by a day, a scire facies is to be awarded in the name of the Chamberlain.

¶And it is also further prouided, that if the Sonne of a free man beeing of lawful age, do mary with the consent of his Father, or if a forayner do mary with a free mans daughter

A free mans Childe marying with the consent of his parent and confessing at any time a satisfaction of his portion is for euer excluded to demaud the same.

ter, by and with the consent of her Father and at the time of the Espousals or maryage or at any time after do confesse before witnesses, or by their hand writing, that they are ful satisfyed and payed of their parte and portion, or if they do at any time acquit, releace and discharge the said Father, hauing also other Childzen being yung and within age, he and euery such childe so confessing, acquitting or discharging, shall for euer after be vnable to demaund or haue any further parte or portion, but shall be deemed and reputed to be fully payed and satisfyed.

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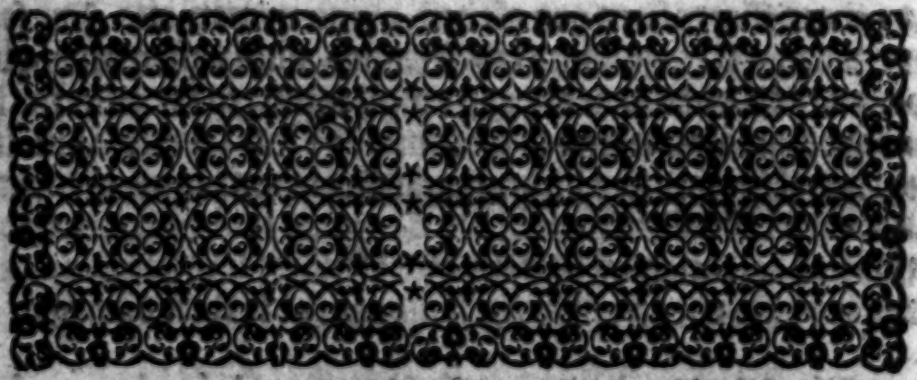

¶ The forme and maner of the Recognisances.

MEmorandum quod viij. die mensis Iulij anno Regni dominæ Reginæ Elizabethæ dei gratia Angliæ, Frãciæ et Hiberniæ Reginæ, fidei defensoris. &c. octauo. Galfridus Thomas et Anthonius Thomas Draperij et Ciues Ciuitatis Exon venerunt in curiam dictæ Dominæ Reginæ in camera Guyhaldæ Ciuitatis Exon, coram Iohanne Wolcot Maiore et xxiiij. de Communi consilio eiusdem Ciuitatis et recognouerunt se et eorum quemlibet per se pro toto et in solidum debere Iohanni Vowel alias Hoker generoso Ciuitatis prædictæ Camerario centum libras bonæ et legalis monetæ Angliæ, Soluendas eidem Camerario aut successoribus suis Camerarijs ante dictæ Ciuitatis, per viam Recognitionis. Et nisi fecerint et eorum quilibet per se fecerit, concedunt et eorum quilibet, per se concedit quod summa prædicta de terris, tenementis, bonis et cattallis suis et cuiuslibet eorum leuetur per formam seu viam Recog.

The Condition.

THE condition of this Recognisance is such, that if they abouē bounden Geffrey Thomas and Anthony Thomas or any one of them or any other person or persons for them or for any of them, do pay, deliuer or cause to be paid and deliuered into the Court aforesaid, vnto ỹ abouē named Chamberlain or his successors for the time beeing, the ful sum of ccc.li.ij.s.ij.d. lawful money of England, to the vse of Edmund, Jasper, Elizabeth & Alis Bridgeman, the children & Orphanes of Edward Bridgeman late Citizen and Draper of the Citie of Excester deceased, that is to wit to euery of them ic.li.ij.s.vj.d. at such time and times as they or any of them shall come and be of lawfull age according to the custome of the Citie of Excester, or if the foresaid Elizabeth and Alis do happen to marry before such age: for a portion dew vnto them out of the goods and Cattels of the foresaid Edwarde Bridgeman. And if any of the said Orphans do dye in the meane time, that then if they pay and deliuer to the said Chamberlain the parte & portion of euery of them so decelling to be disposed according to the custome of the said Citie. And do also pay and deliuer vnto the said Chamberlain and to his successors for the time beeing, into the foresaid Court all and euery such sum & summes of money as by any maner of meanes shalbe receiued, recouered, due and appointed to the vse of the said Orphans. And also if the said Recognitors or any of them, their Executors or Assignes do finde or cause to be found to the said Orphans and euery of them, meat, drinck, cloth, and all other necessaries during the time of their Orphanages, and euery of them at the proper costs and charges of the said Recognitors. And do not binde them nor any of them an Apprentice nor marry them, nor eloygn them without the said Citie, without the license of the Mayor and common counsel for the time beeing giuen in the Court. And also if any of the said Recognitors happē to dye or to fall in decay or to eloygn his goods out of the said Citie, or to dwel out of the same, or of the libertyes therof, that then if the other thē liuing do bring in one other able and sufficient person to be bound in the like sum, within one moneth

neth after ſuch thing or matter ſo happened. And alſo if the ſaid Orphans & euery of them be hereafter fully and truly ſatisfied and contented of all their parte & partes, and portions of all ſuch dets of the aforeſaid Edward Bridgemãs as ſhalbe recouered and be due vnto them, and alſo if the ſaid Recognitors or any one of them do yerely apper at the Orphans Court, to be holden yerly at the Guildhall of this Citie, the Munday nert after midlent Sunday. That then this Recogniſance to be voide, or els to ſtand and to remain in his ful ſtrength.

The order of a Recogniſance to be taken when the Executor or Adminiſtrator hath a day appointed to bring in the Inuentory.

MEmorandum quod ad curiam Orphanorum tentam corã Nicholao Martin Maiore et xxiiij. de cõmuni conſilio, xvij. die Aprilis Anno Regni dominæ Reginæ Elizabethæ xvij. Gilbertus Staplehil de ciuitate Exon Mercator, executor teſtamenti ſeu vltimæ voluntatis Walteri Staplehil de dicta Ciuitate ciuis nuper defuncti venit in propria ſua perſona et Recognouit ſe debere Iohanni Vowel alias Hoker gen. Camerario dictæ Ciuitatis ducentas libras.

The Condition.

THe condition is, that if the aboue bounden Gilbert Staplehil, do, at, or on this ſide the laſt day of May nert inſuing the date hereof, perſonally appear before the foreſaid Mayor and common councell, and then and there bring in and deliuer a true & perfet Inuen-

tory of all the goods, Cattels, rights, credits, and what so euer els which were the foresaid Walter Staplehils at the time of his death, aswel within the Citie or liberties of the same as without. And do not in the meane time eloin nor conuay any parte or parcel of the said goods out of the liberties of the Citie, that then, &c.

The order of a Recognisance to be taken for the bringing in of Sureties.

MEmorandum quod ad curiam tentam xij. Septembris anno Regni dominæ Reginæ Elizabethæ xiiij. coram Thoma Bruerton Maiore et xxiiij. de communi consilio dictæ Ciuitatis. Henricus Iames ciuis de Ciuitate Exon comparuit et Iuratus exhibuit hic in curia inuentorium omniũ et singulorum bonorum, cattallorũ, creditorũ, quæ fuerunt Arnoldi Reynoldes de eadem Ciuitate ciuis ac cordenarij defuncti et adtunc et ibidem Recognouit se debere Iob. Vowell alias Hoker gen. dictæ Ciuitatis Camerario trecentas libras legalis monetæ, &c.

The Condition.

THe Condition is, that if the aboue bounden Henry Iames do personally appear before the foresaid Mayor and common councel, at the Court to be holde before them at the Guildhall of the said Citie, at and vppon the vj. day of October next insuing the date hereof, and do bring in foure good and sufficient Sureties, and such as the Court shall allow of, for the true answering of such goods and Cattels of the foresaid late Arnolde

nolde Reinolds, whiche are comming, growing, or to be due to Richard and William the sonnes and Orphans of the said Arnolde deceased, and do not in the meane time conuey nor eloyn the goods of the said Arnolde, nor any parte therof out of the liberties of the Citie, that then. &c.

The order and forme of a writ of Scire facias against any Recognitor for the breach of his Recognisance.

PER MAIOREM.

RIchardo Bartlet seruienti ad arma salutẽ. Cum Willielmus Grigge de Ciuitate Exon prædicta, Baker et ciuis, venit in curiã dominæ nunc Reginæ in camera Guihaldæ ciuitatis Exon xxi. die Ianu. anno Regni dominæ Elizabethæ xvi. corã Willielmo Triuet tunc Maiore et xxiiij. de cõmuni consilio dictæ Ciuitatis et recognouit se debere Iohanni Vowel alias Hoker generoso ac eiusdẽ Ciuitatis tunc Camerario xl. l. soluendas eidem camerario aut successoribus suis Camerarijs ante dictæ Ciuitatis pro tempore existenti per viam recognitionis. Et nisi fecerit concessit quod summa prædicta de terris, tenemẽtis, bonis et cattallis suis leuetur per formam et viam recognitionis prout per eandem illius Recognitionẽ patet et plenius liquet: prædictus tamen Willielmus di-

ctas xl.l. seu aliquam inde percellam præfato nunc camerario non soluit, licet sepius fuerit requisitus, sicut ex ipsius camerarij informatione accepimus. Ideo tibi præcipimus quod per probos et legales homines dictæ ciuitatis Scire facias præfato Willielmo q̃ sit hic in curia dominæ, Reginæ nunc in camera Guihaldæ Ciuitatis prædictæ coram nobis prefatis Maiore et xxiiij. de cõmuni consilio xij. mẽsis Februarij iam instãtis proxime futuri tenenda ad ostẽdendũ et demonstrandum si quid pro se habeat quare prædictus camerarius executioñ prædictarũ xl.l. versus eum habere non debet si sibi viderit expedire. Et habeas tunc ibidem nomina illorum per quos. &c. Et hoc præceptum et cetera. Datum in Camera Guihaldæ Ciuitatis prædictæ secundo die Februarij Anno dictæ dominæ Reginæ. xvij.

¶ When it the said partie or Recognitor dw not appéar vpon this summons, or if he dw appeare, he dw not satisfie the Court: then a writ of Fieri facias in the like forme is to be graunted and sent out against the said Recognitor.

The entry to be made when any Orphan receiueth his parte and portion.

AT the Courte holden before Nicholas Martin Mayor and the xviij. of the common councell of the Citie of Excester, the xx. of April in the xxij. yeere of the reign of our soueraine Lady, Queene Elizabeth, John Maunder the Sonne of Henrye Maunder late Citizen of the Citie of Exon, came and knowledged him to be fully satisfied and contented, of all his parte and portion or of xl.l. (if it be a sum certain) dew to him by the custome of the Citie of his fathers goods, and therfore clerly doth discharge this Court and the Recognitors.

But if it be a maiden Orphan and she maried; then the entrie must be made in the name of her husband & of her self, and bothe of them must be present in the Court & confesse satisfaction, that is to say. Walter Edmūds of the Citie of Excester Tayler, and Anne his wife, the daughter and one of the Orphans of Thomas Lambert late of the Citie of Excester Citizen and Apothecary deceased, came and knowledged them selues to be satisfied of her portion, being vj.l.xiij.s.iiij.d. &c.

The duties which by euery Officer are to be don and executed.

THe Chamberlain hath the generall charge and ouersight aswel of any thing appertaining to any Orphane as also of euery other Officer, and of his Bokes and accounts concerning any Orphane, and in his name all Recognisances for Orphans are to be taken.

The common Sergeant is to cast the rates, deuide the portions, examin the Legacyes, to see the wil to be entred and the Recognisances orderly to be taken, and all other things concerning the Court, he must enter the Recognisances, make out all processe and precepts of Scire facias or Fieri facias and what so euer appertaineth to the Court of Orphans.

The common Cryer is to present the death of euery free

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The common Cryer is to present the death of euery free

man

man of the Cittie hauing yung Orphans vnto the Mayor and Court. He is to summon all maner of persons in all things touching the Office of Orphans, he is to execute all writs of Scire facias or Fieri facias and all other processes for the same.

The fourme and order of a Supplication to be exhibited to the Lord Chaunceler or Lord keeper of the great Seale.

TO THE RIGHT HONOVRABLE SIR *Nicholas Bacon, Knight, Lorde Keeper of the great Seale of England.*

IN their moste humble maner shewing vnto your good Lordshippe, your daily Orators the Mayor and vrity of the common counsel of the Cittie of Excester. That where at this present and time out of minde, your said Orators haue been gouernours and defendors of Orphans, being the fatherlesse children of Citizens decessing within the Cittie, which said Children haue been vertuously brought vp and instructed by the order appointed of your said Orators, and their goods, Castels, lands and tenements, safely preserued and kept by their discretion and care, to the vse and behoof of the said Orphans, vntil their ful ages of xxi. yeares according to the customs of the said Cittie, whiche saide laudable customs hath alwaies been obediently obserued and kept, to the great commoditie and safetie of the said Orphans, their goods and portions.

Not withstanding now of late (Right honourable good Lorde) so it is that one R. L. a Citizen of the said Cittie lately deceased leauing certain Orphanes, remaining at the time of his death in the Countrie out of the liberties of the said Cittie, and making one E. P. a forrain from the liberties of the saide Cittie his Executor, which E. P. hauing the custody and possession as well of the Orphans & Children of the said R. L. as also of their

their ſaid Fathers goods. Albeit he hath been lawfully and duely warned to appéer before your ſaid Orators, and to bring in aſwel the ſaid Orphans as alſo the Teſtament and true Inuentory of their ſaid fathers goods that your ſaid Orators might according to the auncient cuſtome of the ſaid Citie take ſufficient ſuertie for the ſure payment of the ſaid Orphanes partes at their lawful ages, and alſo for their vertuous and honeſt education and bringing vp in learning and knowledge.

Neuertheleſſe he refuſeth to do the ſame, whereby the ſaid poore Orphans and fatherleſſe Children, aſwel for their owne partes ſhalbe deſtituted of knowledge and good education, as alſo ſhalbe in dãger vtterly to leſe & tobe defrauded of their partes and Legacyes, and alſo the good and lawdable cuſtome euer more obſerued and obeyed within the ſame Citie, ſhall be broken and violated to the no ſmall damage and hurt of all poor Orphans and Fatherleſſe children.

In tender conſideration wherof, may it pleaſe your Lordſhip to cauſe a Sub pena to be awarded out of this honorable court of Chauncery againſt the ſaid E.P, commaunding him therby to appéer in the ſaid Court before your Honor at a certaine day by your good Lordſhip to be appointed, and him to inioyne to abide ſuch order and direction as your ſaid Orators according to the cuſtome of the ſaid Citie ſhall appoint, and determine in the premiſſes, and your ſaid Orators according to their bounden duetyes ſhall dayly pray to the Almightie GOD long to preſerue your Lordſhip in honoure and proſperitye.

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The Rates and fees which are due and tobe paid to the Officers vpon the charge, discharge or new taking of any Recognisance.

¶The charge and fees for euery Orphanage of one hundreth pounds and vpwards.

¶To the Chamberlain,	iij.s.iiij.d.	xvj.s.iiij.d
To the common Sergeant,	v.s.	
To the comon Cryer,	v.s.	
To the Maister town Clark,	ij.s.	
To the Clark	xij.d.	

¶The charge of euery Orphanage of xx.l. and vpwards vnder an hundreth pounds

¶To the Chamberlain,	xx.d.	ix.s.viij.d.
To the common Sergeant,	ij.s.vj.d.	
To the common Cryer,	ij.s.vj.d.	
To the Maister Town Clark,	ij.s.	
To the Clark,	xij.d.	

¶The charge of euery Orphanage vnder xx.pound.

¶To the Chamberlain of euery pound,	ob.
To the common Sergeant of euery pound,	ob.
To the common Cryer of euery pound,	ob.
To the Maister Town clark,	ij.s.
To the Clark.	xij.d.

¶All which seuerall summes are tobe paid by the Recognitors of their owne money and Purses without any allowaunce of the Orphanage or Orphans portion.

The

¶ The discharge of euery Orphanage of one hundreth pounds and vpwards.

¶ To the Chamberlain,	iij.s.iiij.d	xv.s.iiij.d.
To the common Sergeant,	v s.	
To the common Cryer,	iiij.s.	
To the Maister town Clark,	y.s.	
To the Clark.	xy.d.	

¶ For the discharge of euery Orphanage of xx.l and vpwards vnder a C. pounds.

¶ To the Chamberlain,	xx.d.	vj.s. viij.d.
To the common Sergeant,	y.s.	
To the Maister town Clark,	y.s.	
To the Clark,	xy.d.	

¶ For the discharge of euery Orphanage vnder xx. pound.

¶ To the Chamberlain for euery pound,	ob.
To the common Sergeant	ob. q̃.
To the common Cryer,	ob. q̃.
To the Maister town Clark,	y.s.
To the Clark,	xy.d.

All which seuerall summes are at the discharge and vpon knowledging of satisfaction to be payed by the Orphans.

For taking of new Suretyes.

¶ When any new Suretie is to be taken and a new Recognisance to be knowledged, the Clark is to haue of the said Suretie.	y.d.

Orders for Orphans.

The fees to be paied vpon summons or proces.

¶ For euery Scire facias serued out by the Orphane vpon the forfaiture of any Recognisance or otherwise the Clark is to receiue of the Orphans. ——— } xij.d.

¶ Also for euery Fieri facias for any sum, ——— xij.d.

¶ And the common Charge for warning of Scire facias to be paied by the Orphan. ——— } xij.d.

¶ The like he must haue also vppon euery Fieri facias. ——— } xij.d.

The Rates limited and appointed for funerals

¶ A man worth declaro his dets payed vj.M. pound shalbe allowed for his funerals. ——— } i.C.l.

¶ A man worth clere i.M.l. shalbe allowed, ——— l.l.

¶ A nub worth i.M. marks declard ——— xxvij.l. vj s. viij.d.

¶ A man worth v.C.l. and vnder i.M marks, ——— xvj.l.

¶ A man worth vj.C.l. and vnder v.C.l. ——— x.l.

¶ A man worth i.C.l. and vnder vj.C.l. ——— v.l.

¶ A man worth l.l. and vnder i.C.l. ——— l.s.

¶ A man worth xx.l. and vnder l.l. ——— xx.s.

¶ A man worth x.l. and vnder xx.l. ——— x.s.

¶ But for asmuch as the great expences in funerals are now by alteration of Religion abated, there is to be allowed so much for funerals as by the Mayor & common counsel shalbe reasonably assigned and thought good.

FINIS.